

~~SECRET~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE**FEDERAL BUREAU OF INVESTIGATION**

Confidential Human Source (CHS) Reporting Document

Reporting Date: 08/24/2007

Case ID: 279A-WF-222936-BEI ✓ (Pending) -102
[redacted] (Pending)DATE: 12-09-2008
CLASSIFIED BY 60324 UC BAW/RS/LSC
REASON: 1.4 (C)
DECLASSIFY ON: 12-09-2033

Contact Date: 11/09/2006

b2
b7D

Type of Contact: e-Mail

Location: [redacted]

b6
b7C

Written by: PI [redacted]

Other(s) Present: SA [redacted]

Source Reporting:

(S)

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A copy of the email is enclosed in the 1A.

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DATE: 12-09-2008
CLASSIFIED BY 60324 UC BAW/RS/LSC
REASON: 1.4 (C)
DECLASSIFY ON: 12-09-2033

~~SECRET~~

ALL INFORMATION CONTAINED
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FEDERAL BUREAU OF INVESTIGATION

Confidential Human Source (CHS) Reporting Document

Reporting Date: 08/14/2007

Case ID #: 279A-WF-222936-BEI (Pending) -103,
[redacted] Pending)

b2
b7D

Contact Date: 4/03/2007

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Type of Contact: In Person

Location: [redacted]

Writer: PI [redacted]

Witness(es): SA [redacted]

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Source Reporting:

(S)

[redacted]

Q [redacted]

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[redacted]

[redacted]

[redacted]

FEDERAL BUREAU OF INVESTIGATION

Confidential Human Source (CHS) Reporting Document

Reporting Date: 08/23/2007

Case ID: 279A-WF-222936-BEI (Pending) ✓-104
[redacted] (Pending)b2
b7D

Contact Date: 04/19/2007

Type of Contact: e-Mail

Location: [redacted]

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Written by: SA [redacted]

Other(s) Present: PI [redacted]

Source Reporting:

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On 04/19/2007, [redacted] forwarded to case agents [redacted] email received by CHS from JIMMYFLATHEAD a.k.a. BRUCE IVINS. IVINS's email states in part: "I want to express my honest sympathy to you . . . [redacted] Everything I've read about her says that she was an outstanding young woman. May her light shine forever in those she touched during a life that was far too short."

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[redacted] from [redacted] is attached for reference.

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FEDERAL BUREAU OF INVESTIGATION

Confidential Human Source (CHS) Reporting Document

Reporting Date: 08/22/2007

Case ID: 279A-WF-222936-BEI ✓(Pending) -105
[redacted] (Pending)b2
b7D

Contact Date: 08/20/2007

Type of Contact: e-Mail

Location: [redacted]

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Written by: SA [redacted]

Other(s) Present: N/A

Source Reporting:

b7D

On 08/20/2007, in response to inquiries from SA [redacted] CHS explained that their contact with BRUCE IVINS a.k.a. JIMMYFLATHEAD was through an email account for jimmyflathead@yahoo.com. [redacted]

[redacted]

Also on 08/20/2007, CHS provided [redacted]

[redacted] Copies provided to the substantive case file have been appropriately redacted to maintain the confidentiality of CHS.

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Confidential Human Source (CHS) Reporting Document

Reporting Date: 09/05/2007

Case ID: 279A-WF-222936-BEI (Pending) - 106
[redacted] (Pending) - 4b2
b7D

Contact Date: 09/04/2007

Type of Contact: In person

Location: [redacted]

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b7CWritten by: Special Agent [redacted]
Other(s) Present: Postal Inspector [redacted]

Source Reporting:

CHS, who is in a position to testify, provided the following information:

There has been no discernable change in the recent behavior of BRUCE IVINS while he has been at the United States Army Medical Research Institute of Infectious Diseases (USAMRIID). IVINS was in a noticeably depressed state following his most recent interaction with the Federal Bureau of Investigation and subsequent travels to Washington, D.C.; however since that period of time, IVINS has maintained an upbeat attitude while at work. Despite IVINS's upbeat attitude, [redacted]

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[redacted] Although IVINS had previously indicated he would retire, there has been no discernable activity on IVINS part to turn over or teach any of his current work duties/responsibilities [redacted]

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[redacted] No other notable information was attained.

[redacted] has been in IVINS's office, and [redacted] has been boisterous pertaining to matters surrounding the investigation of the anthrax-laced letter mailings of 2001, [redacted] has not discussed or otherwise commented publically on the matter as of late. [redacted] has been very [redacted]

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Recently an inventory was conducted of the same and it was noted that there were items on IVINS's shelf that indicated there were spores of the Ames strain of *Bacillus anthracis* contained therein. When queried, IVINS responded that he had irradiated those spores. When queried as to where the appropriate paperwork was which documented the irradiation, IVINS responded something to the effect, "was I suppose to do that?" CHS noted IVINS has a consistent pattern of not using the appropriate paperwork and would often irradiate materials as he deemed necessary or appropriate. CHS thought this behavior was peculiar as if IVINS thought of himself as being scrutinized pertaining to the anthrax-laced letter mailings, then why would he not attempt to do things by the books?

A review of available papers in a particular drawer adjacent to the sink in IVINS's B3 hot suite produced no items of investigative merit. This common drawer contained miscellaneous handwritten notes and papers produced by persons working in IVINS's B3 hot suite.

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Date of transcription 9/10/2007b6
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On September 5, 2007, [redacted]
[redacted] Frederick County Chapter of the American Red Cross, 2 East
Patrick Street, Walkersville, Maryland was interviewed at [redacted] place
of employment. Also present during the interview was [redacted]
[redacted] After
being advised of the identity of the interviewing Postal Inspector
and Special Agent, as well as the nature of the interview, [redacted]
and [redacted] provided the following information:

Both [redacted] and [redacted] confirmed that BRUCE IVINS
attended a four hour training class on September 22, 2001, titled
"Introduction to Disaster Services." [redacted] provided a computer
generated spread sheet which listed all of the various training
courses and corresponding attendance dates which IVINS had been
credited for completing while volunteering with the American Red
Cross. [redacted] explained that although the first entry on the
printout indicates that IVINS completed the Disaster Services
course on October 1, 2001, the actual date in which the course was
given was September 22, 2001. [redacted] advised that the date listed
on the printout simply reflected the date the entry was put into
the computer. To further corroborate IVINS's attendance of this
course on September 22, 2001, [redacted] provided the interviewing
agents with copies of the Disaster Training Course attendance
rosters. [redacted]

[redacted] and [redacted] reviewed the remaining entries
displayed on IVINS's Red Cross Training Record and indicated that
the remaining training courses listed appeared to be accurate and
reflected the actual date the training courses were given. [redacted]
and [redacted] confirmed that the only other training course which
IVINS attended in 2001 was called "Mass Care: An Overview."
According to the printout, IVINS attended this course on November
27, 2001. [redacted] and [redacted] advised that they currently could not
locate any class rosters which would confirm IVINS's attendance at
this course but would continue to search old records for the
rosters.

(WFO NOTE: enclosed in the FD-340 associated with this
communication is a photocopy of BRUCE IVINS's American Red Cross
DSHR Member Profile Report which includes his Red Cross Training

Investigation on 09/05/2007 at Walkersville, Maryland

File # 279A-WF-222936-BEI - 107 Date dictated N/A

by PI [redacted]
SA [redacted]

File name: RCross.wps

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Continuation of FD-302 of [REDACTED], On 09/05/2007, Page 2

record. Also enclosed in the FD-340 are eight photocopies of the Disaster Training class roster dated September 22, 2001.)

[REDACTED] AND [REDACTED] advised that back in 2001 their American Red Cross chapter held its monthly Emergency Services meetings on the third Monday of each month. They confirmed by reviewing records and a 2001 calendar that the third Monday in October of 2001 did in fact fall on October 15. They stated that the meetings generally began at approximately 6:30pm and lasted approximately one and a half to two hours in length. As in prior interviews [REDACTED] and [REDACTED] reiterated that IVINS typically attended these monthly meetings but they could not provide any documentation that could confirm whether or not IVINS did in fact attend the October 15, 2001, Emergency Services meeting.

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 08/07/2007

[redacted] Kappa
Kappa Gamma (KKG) Fraternity Headquarters, 530 East Town Street,
Columbus, Ohio. [redacted] email address [redacted]
SSAN [redacted] was interviewed at [redacted] place of employment.
Prior to meeting [redacted] agents had spoken with [redacted]

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[redacted] who represents KKG.
[redacted] was provided with a Non-Disclosure Agreement for
[redacted] who reviewed and signed the agreement prior to meeting
with agents. After being advised of the identity of the
interviewing agents and the nature of the interview, [redacted]
provided the following information:

KKG headquarters oversees all administrative aspects of
the organization. There is an elected council of national
officers. [redacted] is not an
elected position, but an administrative position for the
fraternity. Below headquarters, the administration of KKG is
broken down into regions, and then into provinces within each
region. The individual chapters fall within the various
provinces.

[redacted] explained that KKG headquarters maintains a
database of all initiated members of the sorority as reported by
the various chapters, including active collegiate members,
alumnae, and deceased members. Not included are women who
pledged the sorority but were not ultimately initiated. The
database only goes back to 1991, and member information prior to
that date is maintained by the individual chapters. The
headquarters database is different from the database available
to members on the internet in that the internet database does
not include deceased members, and only includes information
members have opted to include.

KKG holds a national convention every two years, and
every chapter sends at least one delegate, usually the chapter
president. Headquarters records of past conventions include
when the conventions were held and where. Headquarters also has
a record of convention delegates, which information would also
likely be available from individual chapters. In a follow-up
email from [redacted] attached a list of all KKG convention

Investigation on 08/07/2007 at Columbus, OhioFile # 279A-WF-222936-BEI - 108Date dictated 08/07/2007by SA [redacted]
SA [redacted]

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Continuation of FD-302 of [REDACTED], On 08/07/2007, Page 2

sites from 1964 to 2006. The attachment names only the locations of the conventions and does not list the delegates.

[REDACTED] did not recognize the name BRUCE IVINS, but was familiar with IVINS's internet username JIMMYFLATHEAD. According to [REDACTED] JIMMYFLATHEAD has previously attempted to buy KKG items such as member badges through eBay. [REDACTED] allowed interviewing agents to review [REDACTED] file on KKG items recently auctioned on eBay, however the file contained no references to JIMMYFLATHEAD, IVINS, or any other username known by interviewing agents to have been used by IVINS. [REDACTED] noted that within the last year, a cipher had been put up for auction, but a KKG member was able to buy the cipher. A cipher is necessary for proper interpretation of the KKG Book of Ritual. [REDACTED] does not know who offered the cipher for auction, but does not recall that JIMMYFLATHEAD bid on the item.

[REDACTED] receives regular alerts from eBay when KKG items are put up for auction and agreed to notify agents if JIMMYFLATHEAD attempted to purchase such items in the future. PAITSON was provided with a list of other usernames associated with IVINS to watch for in addition to JIMMYFLATHEAD. [REDACTED] did not recognize any of the other usernames.

[REDACTED] also recognized the username JIMMYFLATHEAD from his postings on the KKG entry on Wikipedia. [REDACTED] described JIMMYFLATHEAD as having caused a lot of problems for KKG by posting negative information about the organization on Wikipedia. [REDACTED] recalled one particular posting by JIMMYFLATHEAD regarding [REDACTED]

[REDACTED] had been a member of KKG, pledging the sorority at the University of Indiana (Delta chapter) with [REDACTED] of NBC News. [REDACTED] stated there had been some confusion over [REDACTED] name (whether it was [REDACTED] or [REDACTED]), which prompted KKG to remove the posting about [REDACTED]. According to [REDACTED], this prompted an "aggressive" response from JIMMYFLATHEAD. KKG even consulted with their attorneys to determine if they could take legal action to prevent JIMMYFLATHEAD's posting regarding [REDACTED]. The sorority was concerned because the "Notable Kappas" entry on the website only contained ten to twelve names, and [REDACTED] stood out on the list. It was ultimately decided to flood the Notable Kappas list with

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Continuation of FD-302 of _____, On 08/07/2007, Page 3

a lot of names so that _____ inclusion would not be as obvious.

_____ expressed some concern for the nature of IVINS's/JIMMYFLATHEAD's postings on the KKG Wikipedia entry. _____ observed his attitude was at times aggressive, and he seemed to post only information that reflected poorly on the organization such as the information about _____ and a hazing incident at DePauw University in which several pledges were branded with cigarettes. The ABC News program 20/20 aired a story on the incident in 1997, and _____ commented that they thought that was old news, and could not understand why IVINS was bringing it up again. _____ also noted, however, that IVINS/JIMMYFLATHEAD appears to see himself as a guardian of sorts for the organization, and therefore does not necessarily see him as threatening.

JIMMYFLATHEAD also posted information regarding the sorority's secret ritual and initiation ceremony, which prompted KKG to again consult legal counsel. The KKG ritual is now copyrighted, so such actions as posting the ritual can be prevented. KKG has been advised that they cannot take action when a few words or sentences are quoted; only if large sections are reprinted without permission. KKG was unable to prevent JIMMYFLATHEAD from posting ritual information on Wikipedia.

_____ had heard of an incident when the ritual book was stolen from a chapter, and asked _____ SSAN _____ to participate in the interview at this point. _____ has worked at KKG headquarters since _____ served as _____ from August _____ through June _____ and now _____ reviewed and signed a Non-Disclosure Agreement before participating in the interview. _____ advised that she remembered hearing in the early 1980s, prior to _____ taking over as _____ in _____ that a ritual book had been stolen from the chapter at the University of Maryland (UMD), and that a woman, and possibly a man, had somehow been involved in the theft. _____ did not know how it was connected to the theft, but recalled some reference to *Rolling Stone* magazine. _____ and _____ explained that the ritual book by itself was almost worthless because a cipher was needed to correctly interpret the ritual.

It was noted that the UMD chapter closed in 1992, and in follow-up emails from _____ on August 13 and 14, 2007,

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Continuation of FD-302 of [REDACTED], On 08/07/2007, Page 4

[REDACTED] advised that the chapter, which had been located at 7404 Princeton Avenue, College Park, Maryland, closed on May 20, 1992, due to Fraternity Council (KKG) action. [REDACTED] wrote:

This was primarily due to low scholarship, broke the terms of probation and abused alcohol. The chapter had been on probation since 1988.

I recall now, a person wrote in the past year (on one of [IVINS's] postings, maybe on Wikipedia?) the chapter was closed due to drugs. Considering it was best to leave "sleeping dogs lie" Kappa chose not to start a war with him and let it drop. The chapter was not closed due to drugs, it was closed due to an accumulation of their past 4 years of poor behavior and indifference to changing.

Neither [REDACTED] nor [REDACTED] were familiar with the name [REDACTED] searched the KKG database for references to [REDACTED] but could find nothing that matched the name.

Franklin Park, in Columbus, Ohio, did not mean anything to either [REDACTED] or [REDACTED] although [REDACTED] thought a conservatory was located at the park. Both noted that Columbus is located in Franklin County, and that many places in the area carry the name Franklin. Access to KKG Headquarters is from Franklin Avenue, but [REDACTED] and [REDACTED] were not aware of any other KKG affiliation with the name "Franklin" or "Franklin Park".

Later on the same date, [REDACTED] contacted agents by telephone because [REDACTED] had located several letters referencing IVINS. Agents returned to [REDACTED] office, where they were joined by the attorney [REDACTED] who represents KKG and with whom agents had previously spoken. [REDACTED] then provided agents with three typed letters described below:

The first letter was dated January 18, 1985, from the "Fraternity Ritualist" identified only as [REDACTED]. In the letter, the ritualist compared ritual material obtained through an ad in *Rolling Stone* magazine with the KKG Book of Ritual.

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Continuation of FD-302 of [REDACTED], On 08/07/2007, Page 5

The ritualist determined that the material may have been obtained from an unidentified local source due to discrepancies between that material and the official Book of Ritual.

The second letter was dated March 14, 1985, from an attorney representing KKG at that time. Several unrelated issues are addressed in the letter, in addition to the apparent absence of legal remedies to address "the University of Maryland's free copies and Rolling Stones' advertisement." Without more explanation as to the source of this information, the attorney states, "Since the identity of the passer out of the ritual in Maryland shows that it is probably a DR. BRUCE IVANS, perhaps a little more information can be discovered about who he is and then a confrontation with him for whatever good it would do." The letter implies that KKG is not certain that IVANS (believed to be IVINS) is "the man that did it."

The third letter was dated September 10, 1985, also from KKG's attorney, and addressed "the repeating problem [they had] encountered with unauthorized copying and disclosures of the content of the Kappa initiation manual." The attorney advised that while KKG may have a legal remedy under copyright and trademark law, such action would involve "considerable expense and long delay". The attorney also mentions that the "putative infringer" has not yet been identified, and references them as him or her. The attorney suggests that this "harassment" may be constitute criminal violations, and although the charges would likely be minor, they may have a deterrent effect.

[REDACTED] offered interviewing agents a copy of an alumnae directory published in 2004. The directory is enclosed in a 1A 7426, along with the original notes of this interview and the original Non-Disclosure Agreements signed by [REDACTED] and [REDACTED] the three letters recovered by [REDACTED] [REDACTED] follow-up emails from August 13 and 14, 2007, and the email attachment listing the KKG convention sites.

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FEDERAL BUREAU OF INVESTIGATION

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b7cDate of transcription 09/10/2007

On September 10, 2007, [redacted]

SSAN [redacted]

[redacted] telephone number [redacted]

[redacted] was interviewed at [redacted] place of employment, [redacted]

[redacted] telephone number [redacted]

[redacted] email address [redacted]

[redacted] was advised of the identity of the interviewing agent, and after reviewing and signing a Non-Disclosure Agreement, [redacted] was advised of the nature of the interview and provided the following information:

[redacted] attended the University of Cincinnati from 1964 to 1969. [redacted] received a [redacted] degree in [redacted] then continued in the [redacted]

[redacted] While attending the University of [redacted] was a member of Kappa Kappa Gamma sorority (KKG), and served as [redacted]

[redacted] did not participate in KKG during [redacted] year of school. [redacted] lived in the KKG chapter house off and on during [redacted] year.

[redacted] was aware of only one incident when there were attempts to discover some of the "confidential" aspects of the sorority, when university officials wanted all of the sororities on campus to provide "confidential" information during the spring of [redacted] year (1968). [redacted] could not recall specifically what type of information was requested by the administration but believed it may have been regarding the sororities' member selection processes. [redacted] also does not recall whether or not part of the information requested was related to sorority rituals. [redacted] remembers being in meetings regarding this disclosure of information only with other sorority presidents, and does not remember any fraternity officers being involved in the discussions. [redacted] was asked to complete a form, and [redacted] sought advice from the KKG national office, possibly consulting with the National President at that time.

After reviewing [redacted] yearbook from 1968, [redacted] also recalled that [redacted] was [redacted]

Investigation on 09/10/2007 at [redacted]File # 279A-WF-222936-BEI -109 Date dictated 09/10/2007

by SA [redacted]

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Continuation of FD-302 of _____, On 09/10/2007, Page 2

involved in those meetings. _____ also mentioned _____ was the Dean of Students at that time. _____ did not know why the information was being requested and also did not know whether the University initiated this action on their own, or whether they were responding to issues raised by external sources, such as the State of Ohio (the university became a state school during the time _____ attended). It was noted that during this time frame in the late 1960's, cultural and racial diversity was gaining national attention, which might explain a request for member selection information.

_____ suggested contacting _____ who _____ dated briefly _____ year in school and was a member of Delta Tau Delta fraternity. _____ was in _____ class and stayed on at the school working in _____. In such capacity, and having served as _____ of _____ fraternity, _____ thought _____ may know more about what was being requested of the sororities and why, and whether or not similar information had been requested of the fraternities. _____ noted that _____ has "done very well for himself", has given significant amounts of money to the school over the years, and was the graduation speaker last June.

_____ did not recognize the name BRUCE IVINS, however, when _____ was shown a photocopy of a photograph of IVINS from high school, she thought he looked familiar. A redacted copy of an email from IVINS, which indicated he met _____ and _____ in an American Literature course at the University of Cincinnati, was provided to _____ for review. In his email, IVINS described the women as the "stars" of the class who were helpful to other students "not as talented". _____ did not remember anything about the class, except that it was not a freshman-level course. _____ thought it might have been a course _____ took _____ junior or senior year. _____ did not remember IVINS from the class.

The Greek system at the university was very large, and although _____ did not think non-Greek students would have been stigmatized by not joining a fraternity or sorority, _____ did think someone who was not a member of a fraternity or sorority could feel "left out" or not part of the "in crowd", particularly if they had tried to join a house.

_____ described the KKG chapter at the University of Cincinnati as the best sorority on campus because they had very

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Continuation of FD-302 of [REDACTED], On 09/10/2007, Page 3

good-looking members, maintained high grades, and were very involved in campus activities. [REDACTED] thought that if the KKG chapter was not the best sorority at the University of Cincinnati, it was certainly one of the top three, along with Theta (Kappa Alpha Theta) and Tri-Delt (Delta Delta Delta). [REDACTED] described the members as "real ladies" who were very friendly and not snobs, although [REDACTED] acknowledged that a man trying to get a date with a member might have a different perspective.

According to [REDACTED] KKG socialized primarily with other fraternities, and [REDACTED] thought most women in the chapter dated fraternity members. [REDACTED] suggested that someone who was not a member of a fraternity would have a hard time "finding an in" with a sorority member. [REDACTED] could not recall anyone dating or showing attention to someone for the purpose of making fun of or embarrassing them.

The name [REDACTED] was not familiar to [REDACTED]. [REDACTED] located a psychology major named [REDACTED] in her yearbook for 1968, and provided the interviewing agent with a photocopy of the page with [REDACTED] photograph (page [REDACTED]).

[REDACTED] provided [REDACTED] yearbooks for 1965 through 1969 for review. There were no entries in the indexes for IVINS, and he was not observed in any of the organization photographs reviewed, to include the [REDACTED] of which [REDACTED] was a member. It was noted that the University had a large pharmaceutical program, and there were student organizations for the American Pharmaceutical Association and a Pharmaceutical Tribunal. No other science-related organizations were immediately observed, with the exception of organizations related to chemical engineering. [REDACTED] noted that the indexes included references to individual photos of students as well as students appearing in group photographs. [REDACTED] thought that if IVINS was pictured in a yearbook, individually or as part of a group, his name would have appeared in the index, unless it had been inadvertently left out.

[REDACTED] did not become involved with KKG as an alumnae until many years after graduating, and then only at a local level in [REDACTED]. [REDACTED] never heard anyone talk about missing ritual books or the KKG ritual and initiation ceremony being made public. [REDACTED] lived in [REDACTED] so [REDACTED] would not have been aware

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b7CContinuation of FD-302 of _____, On 09/10/2007, Page 4

of any issues regarding KKG ritual during that time. _____ recalled that the ritual book at _____ chapter was kept "locked up" but that _____ remembers using the book to memorize _____ role in the ceremonies as chapter president.

_____ volunteered that _____ could understand why a non-Greek student might be interested in a sorority or fraternity's rituals because _____ recalled being fascinated by the secret society of Masons, of which _____ father was a member. When asked about _____ father's involvement, _____ stated he was never active in the Masons, and it is not something that would have come up when _____ was in college.

The Non-Disclosure Agreement signed by _____ is enclosed in a 1A envelope with the original notes of this interview and the redacted email and photocopied pictures reviewed by _____ along with the photocopy of the page from _____ 1968 yearbook picturing _____

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FEDERAL BUREAU OF INVESTIGATION

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b7cDate of transcription 09/06/2007

On September 6, 2007, [redacted] SSAN [redacted] was interviewed at [redacted] residence, [redacted] telephone number [redacted]. After being advised of the identity of the interviewing agents, [redacted] reviewed and signed a Non-Disclosure Agreement, and provided the following information:

[redacted] attended the University of Cincinnati from 1964 through 1968, where [redacted] was a member of Kappa Kappa Gamma (KKG, Kappa) sorority. [redacted] lived at home throughout college, as did many students who attended the University of Cincinnati, and never resided in the KKG house. [redacted] was an [redacted] and remembers most of the classes were relatively small, with the exception of some required courses. [redacted] described the required Biology course as a large lecture-type class.

A redacted copy of an email from BRUCE IVINS which indicated he met [redacted] and [redacted] in an American Literature course at the University of Cincinnati was provided to [redacted] for review. In his email, IVINS described [redacted] and [redacted] as the "stars" of the class who were helpful to other students "not as talented" [redacted] remembers a course in American Literature [redacted] took [redacted] year, and believes the course was called American Traditions of Literature. The course lasted one year, and [redacted] was in the class [redacted] year, 1965-1966. [redacted] does not remember, however, anyone named BRUCE IVINS, and specifically does not remember IVINS as being enrolled in the literature class.

[redacted] was shown photocopies of pictures of IVINS from his high school yearbook, but IVINS did not look familiar to [redacted] provided four yearbooks from the University of Cincinnati, covering the years 1965 through 1968, explaining that only seniors' individual photos were included. IVINS was not listed in the index of any of the yearbooks.

[redacted] could not think of any circumstance in which [redacted] would have helped another student in that class, stating the material did not lend itself to working with other students.

Investigation on 09/06/2007 at [redacted]
File # 279A-WF-222936-BEI - 110 Date dictated 09/06/2007
by SA [redacted]
PI [redacted]

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[REDACTED] remembered the course was not a discussion class where student would interact with each other as part of the course. The only course [REDACTED] remembers helping or tutoring other students with was a course in logic.

[REDACTED] also does not remember being in the American literature class with [REDACTED] sorority sister [REDACTED] who had pledged KKG with [REDACTED] thought [REDACTED] may have taken a psychology course during summer school with [REDACTED]

The Greek system at the University of Cincinnati was described by [REDACTED] as fairly large, but thought only 30 percent of the student body was in a fraternity or sorority. According to [REDACTED] the KKG house was the "big" house on campus, along with Kappa Alpha Theta (Theta). [REDACTED] admitted that the Kappas were known to be "kind of snooty", but [REDACTED] was not aware of any instance where members did anything mean to other students. The KKG house is at the same location today as in the 1960s - 2801 Clifton, Cincinnati, Ohio. KKG did not host many parties on their own, but would typically partner with a fraternity or other house. [REDACTED] recalled that the women attended many parties hosted by other houses. The only activity Kappa pledges were required to participate in was cleaning the chapter house every Saturday morning. [REDACTED] did not know of any hazing of KKG pledges.

[REDACTED] was not aware of any instance involving the theft of ritual materials, and had not heard that any such incident had taken place at any school. [REDACTED] did not know anyone named [REDACTED], and was not familiar with the name. A [REDACTED] was listed in the yearbook for 1968, but did not indicate a sorority affiliation.

[REDACTED] could not recall any pranks, raids, or otherwise unusual incidents involving the KKG house, reminding agents that because [REDACTED] did not live in the house, [REDACTED] may not have been aware of such activities.

The University of Cincinnati KKG chapter (Beta Rho Deuteron) had closed at one time, possibly due to low membership, but that was long before [REDACTED] was a student at the school.

279A-WF-222936-BEI

Continuation of FD-302 of [REDACTED], On 09/06/2007, Page 3

[REDACTED] suggested that [REDACTED] would be able to provide more information about any activities or incidents involving the KKG house. [REDACTED] lived in the house and may have served [REDACTED] recalled [REDACTED] was very involved in campus activities and may have remained involved with KKG after graduating. [REDACTED] also suggested agents speak with [REDACTED] and [REDACTED] graduated with [REDACTED] in 1968 and was also involved with campus and KKG activities. [REDACTED] was the only KKG member [REDACTED] could remember as having a [REDACTED] degree. [REDACTED] stated [REDACTED] was in [REDACTED] class, but [REDACTED] degree program was a [REDACTED] program, so [REDACTED] probably graduated [REDACTED] also thought [REDACTED] may have transferred into the University of Cincinnati.

The Non-Disclosure Agreement signed by [REDACTED] is enclosed in a 1A envelope with the original notes of this interview and the redacted email and photocopied pictures reviewed by [REDACTED]

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 03/12/08 Time: 09:05

Case ID: 279A-WF-222936-BEI Serial: 111

Description of Document:

b6
b7C

Type : FD302

Date : 08/27/07

To : WASHINGTON FIELD

From : WASHINGTON FIELD

Topic: [REDACTED] INTERVIEWED AT [REDACTED]

Reason for Permanent Charge-Out:

serial transferred to sub [REDACTED] at request of sa [REDACTED]

Transferred to:

Case ID: 279A-WF-222936-[REDACTED] Serial: 84

Employee: [REDACTED]

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 08/29/2007b6
b7C

On August 21, 2007, [REDACTED]

[REDACTED] provided the following information:

[REDACTED] grew up in [REDACTED] where [REDACTED]

2

Investigation on 08/21/2007 at [REDACTED]File # 279A-WF-222936-BEI - 112

Date dictated _____

by SA [REDACTED]
SA [REDACTED]

- 1 -

FEDERAL BUREAU OF INVESTIGATION

b6
b7cDate of transcription 09/11/2007

On the morning of September 07, 2007, writer reviewed, as pre-arranged, the personnel file pertaining to United States Army Medical Research Institute of Infectious Diseases (USAMRIID) employee, BRUCE IVINS, Date of Birth: April 22, 1946, Social Security Account Number: 280-44-5449. IVINS's personnel file contained six sections, these sections are further described as:

I. Notification of Personnel Actions

- USAMRIID Form 7: documents changes in pay and time off awards between September 09, 2001 and January 09, 2005.
- USAMRIID Form 7/7B: documents pay adjustments and other personnel actions between January 12, 1992 and June 14, 2001.
- USAMRIID Form 7: documents pay adjustments and other personnel action between December 02, 1980, and October 06, 1991, as well as "SAEDA Training" dates also during this period.
- Standard Forms 50-B (SF-50B): documents pay adjustments, individual cash awards, individual time off awards, change in FEGLI, individual suggestion/invention award, and other personnel action notifications dated December 02, 1983, through January 08, 2006.

(WFO NOTE: Enclosed in the FD-340 associated with this communication are photocopies all of the above mentioned records.)

II. Performance Appraisal

Chronological compilation of annual and semiannual performance appraisal. It should be noted, IVINS consistently rated "exceptional." Review of this section noted no derogatory ratings or comments.

(WFO NOTE: due to the voluminous section of this file only photocopies of Performance Appraisals dated 2001 are enclosed in the FD-340 associated with this communication.)

III. Miscellaneous Forms

Investigation on 09/07/2007 at Fort Detrick, Maryland

File # 279A-WF-222936-BEI - 113

Date dictated N/A

by Special Agent

279A-WF-222936-BEI

Continuation of FD-302 of _____, On 09/07/2007, Page 2

-FEGLI Insurance forms, CFC contribution forms and other miscellaneous forms. IVINS has been a longtime (before September 2001) CFC contributor to the Frederick County Chapter of the American Red Cross. A thorough review of this section noted only one form, a CFC contribution form, signed and dated by IVINS in 2001; specifically October 31, 2001. Review of this section noted no other pertinent information.

(WFO NOTE: enclosed in the FD-340 associated with this communication are photocopies of a change in health benefits form dated December 20, 1980, as well as a CFC contribution form dated October 18, 2006.)

IV. Time Off Awards and other Certificates of Achievement/Awards
-Letter of Appreciation dated July 07, 1984, regarding IVINS conducting a re-certification cardiopulmonary resuscitation course for the medical staff at USAMRIID.

Numerous other awards, certificates, and letters were contained therein, and thoroughly examined. Review of this section noted no derogatory information.

(WFO NOTE: enclosed in the FD-340 associated with this communication is a photocopy of the above mentioned Letter of Appreciation.)

V. Training Reimbursement Requests, SF-50Bs, and other miscellaneous forms.

- DD Form 1556-1, a reimbursement request for IVINS pertaining to his attendance a course entitled "Lyophilization: a short course," course dates June 18-20, 1996, held at the Sheraton Hotel, Baltimore, Maryland.
- Confirmation Notice/facsimile pertaining to the same.
- Course description pertaining to the same.
- Certificate dated September 1992 regarding a Good Laboratory Practices course presented by the Center for Professional Advancement.
- DD Form 2556-1, a reimbursement request for IVINS pertaining to his attendance to a Good Laboratory Practice course held by the "Ctr for Professional Advancement," mailing address East Brunswick, NJ;

279A-WF-222936-BEI

Continuation of FD-302 of _____, On 09/07/2007, Page 3

however, it would appear the course was held at Fort Detrick, building 830 on September 16-17, 1992.

Review indicated no other pertinent information was contained in this section..

(WFO NOTE: enclosed in the FD-340 associated with this communication are photocopies of all of IVINS's training reimbursement requests.)

VI. Employment Application, scholastic records, and personal information update form.

Review indicated no other pertinent information was contained in this section.

(WFO NOTE: enclosed in the FD-340 associated with this communication are photocopies of IVINS's hand written employment application.)

FEDERAL BUREAU OF INVESTIGATION

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 12-10-2008 BY 60324 UC BAW/RS/LSC

Precedence: ROUTINE

Date: 09/06/2007

To: Washington Field

Attn: AMX-1/NVRA

SSA [REDACTED]

SA [REDACTED]

From: CIRG

NCAVC/BAU-1

Contact: SSA [REDACTED]

b6
b7C

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #:

279A-WF-222936-BEI (Pending); 114 ✓

Title: AMERITHRAX;
MAJOR CASE 184

GRAND JURY MATERIAL - DISSEMINATE PURSUANT TO RULE 6(e)

Synopsis: [REDACTED]

b3
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b7C

Reference: 279A-WF-222936-POI Serial 1477

Administrative: [REDACTED]

Details: [REDACTED]

Uploaded 9/19/07 [REDACTED]

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Downloaded _____

To: Washington Field From: CIRG
Re: 279A-WF-222936-BEI, 09/06/2007

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A meeting was held on July 18, 2007 at the UVA, between the Amerithrax Task Force, the Behavioral Analysis Unit, and Dr. [REDACTED] M.D., to discuss these issues.

To: Washington Field From: CIRG
Re: 279A-WF-222936-BEI, 09/06/2007

LEAD(s):

b3

Set Lead 1: (Action)

WASHINGTON FIELD

AT WASHINGTON

♦♦

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FEDERAL BUREAU OF INVESTIGATION

Confidential Human Source (CHS) Reporting Document

Reporting Date: 09/12/2007

Case ID: 279A-WF-222936-BEI (Pending) - 115
[redacted] (Pending)b2
b7D

Contact Date: 09/05/2007

Type of Contact: Email

Location: [redacted]

b6
b7CWritten by: Special Agent [redacted]
Other(s) Present: N/A

Source Reporting:

CHS, who is in a position to testify, provided the following information:

As previously reported, CHS agreed to provide writer with [redacted]

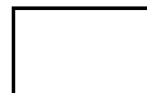
b7D

[redacted]

[redacted]

[redacted]

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X



2512.wpd

279A-WF-222936-BEI -114
AKL:akl

1

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On 09/21/2007, SA [] requested NCIC
offline records checks for BRUCE EDWARDS IVINS, DOB
04/22/1946, SSAN 280-44-5449. SA [] was advised by []
[] CJIS, that the records of offline inquiries date
back only to 1990. A copy of the records provided by []
are attached for reference.

[]

[]

[]

[REDACTED] (WF) (FBI)

From: [REDACTED] (CJIS) (FBI)
Sent: Friday, September 21, 2007 11:50 AM
To: [REDACTED] (WF) (FBI)
Subject: Offline search results

UNCLASSIFIED
NON-RECORD

b6
b7C



[REDACTED] (12 KB) EXAMPLE OF HYP
SEARCH-b&w.doc ...

Attached are the results for your search on Ivins, and an example sheet to help you read them. Thanks.

[REDACTED]
UNCLASSIFIED

[REDACTED] txt

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b7c

TITLE: 2007000000

ROUTE TO: [REDACTED]

ADDRESS: [REDACTED]

EXTENSION: [REDACTED]

COMMENTS: [REDACTED]

TYPE: HYP

NEED: UNI

FILE:

BEGIN DATE: 19900101

END DATE: 20070920

LIST TYPE:

LST

FILE SIZE: 000000000

COUNT: 000000

RANDOM NUMBER

LIST:

IMAGE INDICATOR:

FIELDS SEARCHED: NAM/IVINS,B@19460422.SOC/280445449

FIELDS OUTPUT:

□

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1E 2007-07-30-16.59.07.134459

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2D 2006-12-27-20.25.12.140453

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77 2006-10-23-12.00.24.202153

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/.LRI/WVBI0000Z.ON1/CJIS
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43 1998-09-06-18.12.46.610000
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ORI IS FEDERAL BUREAU OF INVESTIGATION 202 324-3000

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9
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64 2003-08-26-05.38.32.034908
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ORI IS FEDERAL BUREAU OF INVESTIGATION txt 202 324-3000

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ORI IS FEDERAL BUREAU OF INVESTIGATION 202 324-3000

THE DATA PROVIDED IS FROM THE BDAT THROUGH THE FOLLOWING DATE: 09-20-2007

END OF REPORT

REPORT DATE: 09-21-2007

TOTAL RECORDS REPORTED: 42

TOTAL RECORDS PROCESSED:

43

EXAMPLE OF NCIC OFF-LINE HYPER SEARCH

Sample I

G * *A* * *B* * [NCIC "inquiry" Transaction]

53 1991-01-10-04.15.51.930000

* *C* . * *D* * *E* * *F* *

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b7C

KEY:

- A. Date of inquiry (Year - Month - Day")
- B. Time of transaction (always in eastern time / hour, minute, seconds, milliseconds)
- C. Header (sequence of characters acceptable to NCIC which is used to provide message information for the control terminal agency.
- D. Message Key
- E. ORI (Originating Agency Identifier, agency who initiated the inquiry)
- F. Searchable information
- G. Line number of circuit over which transaction was received and response was returned

*The report being sent to you reflects all transactions that match the search criteria you provided, including the name and phone number of the agency that made the inquiry. If you need the entire transaction that includes the response NCIC returned to the inquiry, please contact the analyst that conducted the search.

FEDERAL BUREAU OF INVESTIGATION

Confidential Human Source (CHS) Reporting Document

Reporting Date: 09/27/2007

Case ID: 279A-WF-22936-BEI (Pending) - 117
[redacted] Pending)b2
b7D

Contact Date: 09/18/2007

Type of Contact: Telephonic

Location: [redacted]

b6
b7CWritten by: Special Agent [redacted]
Other(s) Present: N/A

Source Reporting:

[redacted] Individual, who is in a position to testify,
[redacted] provided the following information:

[redacted] BRUCE IVINS, behavior
in the B3 hot suite [redacted] had been strange [redacted]
[redacted] Earlier in the week IVINS was cleaning
out the freezer in his laboratory within the B3 hot suite.
When IVINS was queried if he wanted assistance by a fellow co-
worker, IVINS responded no. [redacted]
[redacted] IVINS is not known for pro-actively cleaning; nor is
IVINS known for refusing the offer to have someone else
assistance/do it for him. [redacted]
[redacted]

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[redacted] IVINS instructed a
co-worker to autoclave a container of bleach from his hood in
his laboratory within the B3 hot suite. The co-worker was
astounded by this request as bleach containers, and their
contents, were never autoclaved in the past. The co-worker
subsequently asked the B3 suite supervisor, [redacted], if
this was appropriate; to which [redacted] responded it was not and
not to do as IVINS had instructed. [redacted] remarked to the co-
worker something to the effect of either the co-worker [redacted]
needing to baby-sit IVINS in the hot-suite.

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- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/04/2007

b6
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[redacted] date of birth [redacted]
residing at [redacted] home
telephone number [redacted] was interviewed at [redacted] place of
employment at [redacted]

[redacted] work phone [redacted]
provide [redacted] social security number. After being advised of the
identity of the special agent and postal inspector, the purpose of
the interview and completing a non-disclosure agreement, [redacted]
provided the following information:

[redacted] completed [redacted] at the College [redacted]
[redacted] in [redacted] completed [redacted] at the
University of [redacted] completed [redacted] at the
University of [redacted] leaving in [redacted] found
employment as [redacted]
starting in [redacted]

12,3
1,1

[redacted] stated that [redacted] had never heard of nor met BRUCE
IVINS. [redacted]

[redacted] provided the name of [redacted] as a possible
person to talk with as [redacted]

[redacted]
also provided [redacted] as another possible individual to talk
with [redacted]

The name [redacted] sounded vaguely familiar and
[redacted] thought that perhaps [redacted] had worked [redacted]

The name [redacted] sounded vaguely familiar and [redacted]
thought perhaps [redacted]

Investigation on 10/03/2007 at [redacted]

File # 279A-WF-222936-BEI - 118

Date dictated 10/04/2007

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b7C

by

SA [redacted]

US Postal Inspector [redacted]

279A-WF-222936

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Continuation of FD-302 of [REDACTED], On 10/03/2007, Page 2

the name. [REDACTED] also opined that the [REDACTED] name could sound familiar as [REDACTED] was the name of a building on the campus of the University of [REDACTED]

While at [REDACTED] was a member of Kappa Kappa Gamma sorority. [REDACTED] described [REDACTED] college involvement with Kappa Kappa Gamma sorority as "being in a sorority was not a big deal to me" and "I was not your typical sorority member." [REDACTED] stated that [REDACTED] was much more interested in science and did not reside in the sorority house.

[REDACTED] could not recall any instance in which [REDACTED] would have discussed [REDACTED] affiliation with Kappa Kappa Gamma. [REDACTED]

On one occasion, in the 1977 to 1987 time frame, [REDACTED] recalled being invited by the Kappa Kappa Gamma chapter at the University of [REDACTED]. [REDACTED] accepted their invitation and [REDACTED]. [REDACTED] did not remember the mechanics of how the local Kappa Kappa Gamma chapter found out that [REDACTED] had been a member or who invited [REDACTED].

The name [REDACTED] was unknown to [REDACTED]

[REDACTED] maintained an active social circle while at the University of [REDACTED]

[REDACTED] stated that [REDACTED] had been very involved in getting intramural activities such as volleyball games established with members of [REDACTED] lab and other post-docs and students. [REDACTED] also participated in campus activities including the [REDACTED]

Through [REDACTED] involvement, [REDACTED] could have met any number of people.

[REDACTED] maintains friendship with [REDACTED] a Kappa Kappa Gamma sorority sister from [REDACTED] time at the College of [REDACTED]

279A-WF-222936

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Continuation of FD-302 of , On 10/03/2007, Page 3

mentioned three individuals who work at the
National Institutes of Health (NIH) in Bethesda, Maryland who were

(The original nondisclosure agreement and interview notes
are contained in corresponding 1A)

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/15/2007

GRAND JURY MATERIAL - DISSEMINATE PURSUANT TO RULE 6(e)

Pursuant to a Grand Jury Subpoena issued in the United States District Court, District of Columbia (GJ 6-01 #5616), Postal Inspector [REDACTED] received [REDACTED] on October 15, 2007.

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[REDACTED] After being advised of the identity of the interviewer, provided the following additional information:

The records provided to Postal Inspector [REDACTED] have been enclosed in an associated 1A envelope.

b6
b7CInvestigation on 10/15/2007 at [REDACTED]File # 279A-WF-222936-BEI - 119Date dictated n/a

by [REDACTED] Postal Inspector

FEDERAL BUREAU OF INVESTIGATION

Confidential Human Source (CHS) Reporting Document

Reporting Date: 10/11/2007

Case ID: ✓ 279A-WF-222936-BEI (Pending) -120
[redacted] (Pending)b2
b7D

Contact Date: 10/09/2007

Type of Contact: Telephonic

Location: [redacted]

b6
b7CWritten by: Special Agent [redacted]
Other(s) Present: N/A

Source Reporting:

CHS, who is in a position to testify, telephonically contacted writer on the evening of 10/09/2007 and provided the following information:

United States Army Medical Research Institute of Infectious Diseases (USAMRIID), Fort Detrick, Maryland, employee
BRUCE IVINS's behavior today was "freaky." [redacted]

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[redacted] IVINS, per his routine, set-up and labeled the tubes beforehand; however, once the mistake was realized told [redacted] "I don't know who made the mistake" me or you. [redacted] found this incredulous as all of the tubes were labeled in IVINS's own handwriting, so clearly IVINS made the mistake.

[redacted] IVINS could not reset his password to something and his password would be sent to him by regular mail. This upset IVINS to the point he declared, "I need to stand here with a bat to make sure no one logs onto my computer!" [redacted] opined IVINS meant someone had accessed his computer.

[redacted] this behavior capped off some previous unusual events pertaining to IVINS. [redacted] noted that on or about 09/27/2007 IVINS showed up at work with a black-eye. [redacted]

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[REDACTED]

[REDACTED] overheard IVINS discussing he had taken Ambien (P) and had written a bizarre email [REDACTED]
[REDACTED] IVINS indicated to one co-worker that he sent the email from his residence, and later to another co-worker indicated he had come into USAMRIID in such a state and sent the email.

[REDACTED]

[REDACTED]

[REDACTED] reiterated IVINS recent clean out of his refrigerator/freezer in B313 was not a planned or scheduled event. [REDACTED]

[REDACTED]

[REDACTED]

recalled, after cleaning, IVINS autoclaved: serial dilutions of *Bacillus anthracis*, dilution blanks, and a larger flask which had no labeling. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] was absolutely certain IVINS used writer's name in conversation. [REDACTED]

CHS Reporting
279A-WF-222936-BEI (Pending), 10/09/2007

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[REDACTED]
[REDACTED] IVINS indicated he had observed writer entering
[REDACTED] and that [REDACTED] had
told IVINS that they had observed the FBI leaving early one
morning. IVINS indicated he put one and one together and
surmised that the writer has been obtaining the USAMRIID
security/surveillance tapes.

[REDACTED]
[REDACTED] CHS
greed to contact writer with additional information.

♦♦

FEDERAL BUREAU OF INVESTIGATION

Confidential Human Source (CHS) Reporting Document

Reporting Date: 10/10/2007

Case ID: 1279A-WF-222936-BEI (Pending)-121
[redacted] (Pending)b2
b7D

Contact Date: 10/08/2007

Type of Contact: Telephonic

Location: [redacted]

b6
b7CWritten by: Special Agent [redacted]
Other(s) Present: N/A

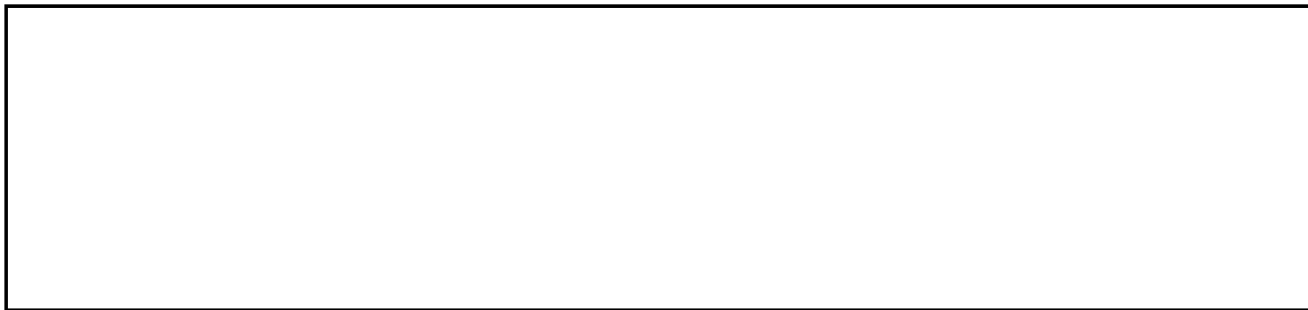
Source Reporting:

Individual, who is not in a position to testify,
provided the following information telephonically to writer on
the afternoon of 10/08/2007:

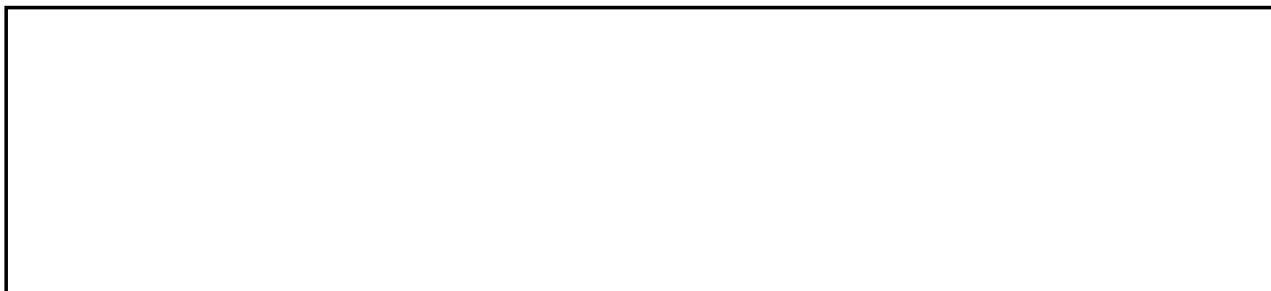
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b7C
b7D[redacted][redacted][redacted][redacted]b6
b7C[redacted][redacted]

(F-2)

[redacted]



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BRUCE IVINS was queried something to the effect of, "So who do you think did this?" BRUCE IVINS indicated he could not name names but identified that some one who lives in New Jersey, and who works for a pharmaceutical company was at the top of his list. It was clear to all that BRUCE IVINS was referring to former USAMRIID employee [REDACTED] BRUCE IVINS advised what convinced him that [REDACTED] had indeed mailed the anthrax-laced letters in 2001 was the fact that elderly female victim and [REDACTED] mother resided in the same square mile in Connecticut. IVINS further indicated he conducted his own computer research to reach that

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conclusion. [] challenged IVINS on his theory asking something to the effect of "Why would [] do it?" BRUCE IVINS replied, "revenge." [] immediately opined that did not make any sense. [] continued how could [] have foreseen the impact, such as the polygraphs and investigations, that the USAMRIID employees would have gone through? [] queried BRUCE IVINS, "Why wouldn't he of mailed one to []" IVINS, who had previously indicated his unnamed second choice was a distant second to [] replied, "He's at the top of my list. I didn't say I'd bet the farm on it."

[]

Also, [] brought up [] name; however, there was no further discourse pertaining to [] possibly being the perpetrator of the anthrax-laced letter mailings of 2001 by [] BRUCE IVINS.

[]

[]

[] BRUCE IVINS mentioned that [] had to be one of the world's experts on spore preps, and he was "proud" of [] work.

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BRUCE IVINS also indicated that "they" had looked at the spores used in the attacks, and that they saw that the spores had improved with subsequent mailings. [] opined this meant that the "purity" of spores had improved based upon what they saw under a microscope []

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[] threw out the possibility that possibly two different sources could account for the differences in the purity. [] recalled, [] or BRUCE IVINS, responded

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something to the effect that those kind of conspiracies are really hard to keep secret.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted] (WFO NOTE: enclosed in the FD-340 associated with the part of this file are CHS's electronic notes pertaining to

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CHS Reporting
279A-WF-222936-BEI (Pending), 10/08/2007

CHS's observations and recollections of the events that CHS had additionally provided to writer as instructed.)

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 09/26/2007b6
b7C

On [redacted] met with
BRUCE EDWARDS IVINS of the U.S. Army Military Research Institute
of Infectious Diseases (USAMRIID), at [redacted]

The following conversation took place:

[redacted] asked IVINS why he had a black eye. IVINS stated that he ran into something, then he joked that it was his wife's fist. IVINS denied alcohol being involved in the incident and added that he thought he got it while he was sleeping. He explained that his side table is close to his bed and he may have rolled over and hit it.

[redacted] then asked IVINS why he was at work around midnight, the previous night, sending [redacted] emails. [redacted] asked him if he thought that puts up a big red flag [to investigators]. IVINS said that when he started working extra long and hard it wasn't viewed as evil or suspicious. At times, he would go to work to get away from his [redacted]

Additionally, IVINS stated that he walked to work last night and then home around 1 AM. He explained that he took an Ambien and then walked home and by that time he was zonked and didn't wake-up until the morning.

IVINS informed [redacted] that he had suggested the idea [redacted] setting-up a trailer off-post, at a place not close to a metropolitan area, and utilizing a fermenter to grow Ames spores. According to IVINS, he came up with this idea because Dugway [Proving Grounds] can't meet their demands.

IVINS informed [redacted] that people were telling [redacted] to be more discrete and less taunting to the FBI. For example, [redacted] is sending pictures, via email, of powdered sugar

Investigation on 09/25/2007 at Fredereck, MD

File # 279A-WF-222936-BEI - 122

Date dictated N/A

by SA [redacted]
PI [redacted]

279A-WF-222936-BEI

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b7CContinuation of FD-302 of BRUCE EDWARDS IVINS, On 09/25/2007, Page 2

donuts. [] later explained that the powdered sugar is supposed to represent anthrax spores. [] told IVINS that [] believed that to be in extremely poor taste and poor judgement; and it is also apparent to [] that [] directing it at IVINS. []

[] IVINS replied that [] thought it was very funny. Although, [] did get after [] for sending the New Jersey letter.

According to IVINS, [] had also taken Tupperware to a boyscouting trip so that [] could be photographed wading in a pond and picking it up out of the water. Associated with the tupperware are the words: "genuine FBI trap." Additionally, IVINS claimed that [] used these photos in an institute wide presentation, which [] titled: "Use of the underground biological facility in the West Virginia Mountains".

IVINS stated that he didn't want to become the "Richard Jewell" of USAMRIID simply because he would provide an excuse for everybody. He doesn't look at himself as a killer or a terrorist. He admits he is sloppy and his big fear is that something will have to be done, so it will be said that IVINS was negligent. IVINS believed that being negligent with Federal property would put him in jail for five to ten years. He then gave an example of being negligent with Federal property: such as leaving keys in a government car, and somebody stealing it and robbing a bank.

IVINS told [] that he thought it was unfair for [] He said he could only think of a handful of people who were mean enough to do it and smart enough to pull it off. He then named: [] and [] with []

IVINS then said that the thing that gets him is that if a closeness or probability study was done, [] lived close to the woman in Connecticut that died. Where as IVINS's relative, [] lived in [] which is not a huge metropolis.

[] informed IVINS that [] was having problems with [] computer and asked him what kind of computer he had recently purchased. IVINS replied that he had bought a Dell with Windows XP, one or two years ago. Also, he was looking for a recycling place to take the old computer off their hands.

279A-WF-222936-BEI

Continuation of FD-302 of BRUCE EDWARDS IVINS, On 09/25/2007, Page 3

IVINS told [] that after the FBI interviews someone, everybody [at USAMRIID] goes around and asks about what the FBI had to say. According to IVINS, the FBI asked [] about his handwriting on a prep versus his handwriting somewhere else. [] replied this was because he was getting everybody everything.

According to IVINS, the FBI had [] take two polygraphs and they asked him about []

[] IVINS said that the FBI told [] that they found spores in one of the fermentors. IVINS believed this to be one of [] old fermentors.

IVINS is looking forward to his retirement, in the end of the 2008 fiscal year. He doesn't want to be a political sacrifice. He is still working because of [] need for medical care. Currently, [] IVINS has suggested to [] that []
Currently, IVINS pays []

- 1 -

FEDERAL BUREAU OF INVESTIGATION

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b7CDate of transcription 10/17/2007

[redacted] was interviewed on September 6, 2007 at his place of business located at [redacted] is a [redacted] whose office telephone number is [redacted]. Prior investigation has determined that subject BRUCE EDWARD IVINS to be a patient of [redacted] practice. At the conclusion of that interview [redacted] was asked to confirm that whether or not Monday group therapy sessions had been held during a specific period of time in 2001. [redacted] stated that he was unsure if he had records or a calendar available to provide this information. However, he agreed to review his records and provide the requested information if available.

As of October 12, 2007, [redacted] had not responded to the request for this information. An official written request for information was faxed to [redacted] at telephone number [redacted]. Specifically, [redacted] was asked to confirm whether or not he held group therapy sessions on Mondays from August 6, 2001 through October 29, 2001.

On October 13, 2007, a faxed response from [redacted] was received at the Amerithrax Task Force Frederick Offsite office. The faxed reply of [redacted] did not adequately comply with the request for information. A copy of the faxed request for information and the faxed response of [redacted] are attached.

Investigation on 10/13/2007 at Frederick, MarylandFile # 279A-WF-222936-BEI -123 Date dictated n/aby [redacted] Postal Inspector

***** -IND. XMT JOURNAL- ***** DATE OCT-12-07 ***** TIME 13:27 *****

DATE/TIME = OCT-12-2007 13:24

JOURNAL No. = 07

COMM. RESULT = OK

PAGE(S) = 001/001

DURATION = 00:00:19

FILE No. = 751

MODE = MEMORY TRANSMISSION

DESTINATION =

RECEIVED ID =

RESOLUTION = STD

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 12-10-2008 BY 60324 UC BAW/RS/LSC

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***** -

- ***** -



UNITED STATES POSTAL INSPECTION SERVICE

WASHINGTON DIVISION

October 12, 2007

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Dear 

Pursuant to an official investigation this service is requesting the following information regarding the occurrence of group therapy sessions at your office in 2001.

Specifically, please confirm that group therapy sessions were held on the following dates (please provide the beginning and end times of each session):

August 6, 2001

August 13, 2001

August 20, 2001

August 27, 2001

September 3, 2001

September 10, 2001

September 17, 2001

September 24, 2001




October 1, 2001

October 8, 2001

October 15, 2001

October 22, 2001


October 29, 2001

This information may be made available for pickup or mailed to Postal Inspector  U.S. Postal Inspection Service, 10500 Little Patuxent Pkwy., Suite 200, Columbia, MD 21044-3509. The requested information may also be faxed to telephone number  You may contact me at  if you require further information. Your cooperation is appreciated.

Sincerely,



Postal Inspector

WASHINGTON DIVISION
10500 LITTLE PATUXENT PARKWAY
COLUMBIA, MD 21044-3509
FAX: 

Oct., 13. 2007 1:41PM

No. 3862 P. 2



**PSYCHIATRY
CENTER
OF FREDERICK**

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-10-2008 BY 60324 UC BAW/RS/LSC

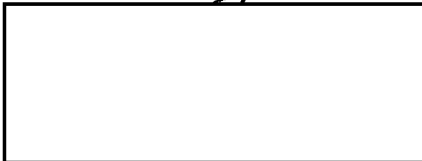
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October 13, 2007

Dear

I reviewed my records and I was leading a group on Monday afternoons in the spring and summer of 2001. As the records are over four years old I have not retained them, and the billing program for that time period is crashed. I led the group weekly, and I generally take off 2-3 weeks in late August. I apologize for not having more specific information.

Sincerely,



FEDERAL BUREAU OF INVESTIGATION

Confidential Human Source (CHS) Reporting Document

Reporting Date: 10/02/2007

Case ID #: 279A-WF-222936-BEI (Pending) ¹²⁴
[redacted] (Pending)

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b7D

Contact Date: 10/01/2007

Type of Contact: Telephonic

Location: [redacted]

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b7C

Writer: Special Agent [redacted]
Witness(es): N/A

Source Reporting: CHS, who is in a position to testify, telephonically provided the following information on the evening of 10/01/2007:

~~United States Army Medical Research Institute of Infectious Diseases (USAMRIID), Fort Detrick, Maryland, employee~~
BRUCE IVINS was "down and out" last week [redacted] opined IVINS's depressed mood stemmed from [redacted] discussions with IVINS. It was unknown to CHS as to what [redacted] discussions with IVINS pertained to. It was unknown to [redacted] as to why [redacted] continually sought to agitate IVINS and to get IVINS into worried and excitable state.

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As of Monday, 10/01/2007, IVINS was in a much better mood. IVINS relayed [redacted] was out of town and he had an enjoyable weekend. IVINS slept in, made muffins, and also bought a movie. IVINS simply talked on and on about his weekend.

It was CHS's understanding that USAMRIID [redacted] [redacted] spoke to the [redacted] [redacted] instruct the people in his division to keep quiet pertaining to alleged Federal Bureau of Investigation activity on Veteran's Day 2006 prior to the Bacteriology Division Christmas party held in 12/2006. CHS opined that was why "we were shocked" [redacted] told IVINS about it at the 12/2006 Christmas party.

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[redacted]
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[redacted]

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/25/2007b6
b7C

[redacted] date of birth [redacted]
[redacted] social security number [redacted] residing at [redacted]
[redacted] home telephone number [redacted] cellular telephone number [redacted]
[redacted] was interviewed at [redacted]
[redacted] provided [redacted]
[redacted] driver's license [redacted] with residence at [redacted]
[redacted] After being advised of the identity of the postal inspectors, the purpose of the interview and completing a non-disclosure agreement, [redacted] provided the following information:

[redacted] earned his [redacted] at the University of Cincinnati. [redacted] earned his [redacted] in [redacted] at [redacted] University in [redacted] where [redacted] He went to work at [redacted], then on to the [redacted]
[redacted] and [redacted] is currently employed in [redacted] in [redacted]

While [redacted] earned his [redacted] in [redacted] at the University of Cincinnati, [redacted] knew and was friendly with BRUCE IVINS, another student earning his masters or Ph. D at the university. [redacted] described IVINS as an athletic and entertaining guy with a good sense of humor who [redacted] said "never saw him (IVINS) get angry."

[redacted] recounted a humorous event of which [redacted] had heard of secondhand, but later confirmed with IVINS. In the event, IVINS was defending his thesis or dissertation to the evaluating professors. Before any questions could be asked, IVINS removes a gun or starter pistol from his bag or briefcase and lays it on the table, and then asks the evaluators something to the effect of "got any questions?" The incident was taken by all to be a joke, as IVINS reputation throughout the department was that of a jokester.

Investigation on 10/25/2007 at [redacted]File # 279A-WF-222936-BEIDate dictated 10/25/2007

by [redacted]

[redacted] US Postal Inspector
[redacted] US Postal Inspector [redacted]

279A-WF-222936-BEI

Continuation of FD-302 of _____, On 10/25/2007, Page 2

_____ stated that _____ was born and raised in _____. He stated that _____ had never met or known the IVINS family prior to graduate school. _____ stated that _____ last interacted with IVINS at graduate school, but thought perhaps IVINS had been at microbiology conference _____ may have attended years earlier.

_____ never recalled IVINS speaking badly of anyone. _____ knew IVINS socially through department parties. _____ "Our social circles were totally different" but _____ thought IVINS had been close friends with _____ who _____ recalled had had a foot race on the school's track with IVINS to see who was faster.

_____ didn't recall IVINS being in a fraternity. _____ impression of IVINS was that he was "goofy" and liked to kid around. _____ thought that a lot of people did not take IVINS seriously. _____ found IVINS to be "extraordinarily bright." _____ could not remember IVINS "being violent or expressing violence." _____ perceived IVINS "as being a very sensitive person."



_____ did not remember any incident, hazing or otherwise, where _____ was forced to strip naked and roll in the floor in a mixture of olive oil and human waste. He did not remember hearing of anyone else having to partake in such an activity.

_____ additionally recalled that pledges were sent to Over the Rhine, a very poor and dangerous neighborhood in Cincinnati to collect donations for City of Hope.

_____ remembered while at college, an incident where some girls claimed that they were taken advantage of. Officials thought that _____ were involved because the girls described a fraternity pin similar _____. The charges were unsubstantiated and went away. _____ learned of the incident

279A-WF-222936-BEI

Continuation of FD-302 of [REDACTED], On 10/25/2007, Page 3

through [REDACTED] and did not know if the girls were associated to a sorority.

[REDACTED] thought that Kappa Kappa Gamma may have been the sorority house [REDACTED] but "wouldn't swear to it." [REDACTED] also stated that the Kappa Kappa Gamma sorority had very attractive members.

[REDACTED] could remember taking a trip to New Jersey to attend meetings in Atlantic City. [REDACTED] may have gone with people from school but couldn't remember with who or what degree [REDACTED] was pursuing at the time.

[REDACTED] did not know or remember any of the following individuals: [REDACTED]

[REDACTED]

The terms Greendale and Jimmy Flathead had no meaning to [REDACTED] could not remember any stories of a Greek organization's ritual book being stolen while at the University of Cincinnati. [REDACTED]

[REDACTED]

Reviewing IVIN's high school photo, [REDACTED] confirmed it was the IVINS [REDACTED] knew, but did not recall IVINS wearing glasses nor having his hair combed- which [REDACTED] described as always being messed up.

(The interview notes and non-disclosure agreements are included in the accompanying 1A)

FEDERAL BUREAU OF INVESTIGATION

Confidential Human Source (CHS) Reporting Document

Reporting Date: 10/26/2007

Case ID: 279A-WF-222936-BEI (Pending) -124
[redacted] (Pending)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12-29-2008 BY 60324 uc baw/rs
b2
b7D

Contact Date: 10/18/2007

Type of Contact: Telephonic

Location: [redacted]

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Written by: Special Agent [redacted]
Other(s) Present: N/A

Source Reporting:

Individual, who is not in a position to testify,
telephonically provided the following information:

United States Army Medical Research Institute of
Infectious Diseases (USAMRIID), Fort Detrick, Maryland,
[redacted] indicated [redacted] had recently
spoken to fellow Bacteriology Division employee, BRUCE IVINS.
IVINS purportedly confided to [redacted] that when IVINS had
appeared before the Grand Jury in Washington, D.C., he (IVINS)
had "laid it all out" to the Grand Jury pertaining to why he
(IVINS) thought former USAMRIID employee [redacted] had
perpetrated the anthrax-laced letter mailings of 2001.

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[redacted]
(1)

[redacted]

279A-WF-222936-BEI - 127

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On August 30, 2007 SA [REDACTED] effected a
CARFAX Vehicle History Report on a [REDACTED]
[REDACTED] VIN: [REDACTED] previously registered to [REDACTED]
[REDACTED] in
attempt to ascertain the current location of said vehicle.

According to the attached three page CARFAX report
this vehicle was last registered on [REDACTED] in [REDACTED]
at the Motor Vehicle Department, Frederick, Maryland, and as
of 01/22/2007, this vehicle was [REDACTED]
[REDACTED]

[REDACTED]

Automated Serial Permanent Charge-Out
FD-5a (1-5-94)

Date: 02/05/08 Time: 07:29

Case ID: 279A-WF-222936-BEI Serial: 128

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b7C

Description of Document:

Type : FD302
Date : 11/01/07
To : WASHINGTON FIELD
From : WASHINGTON FIELD
Topic: [REDACTED] INTERVIEW OF 11/1/2007

Reason for Permanent Charge-Out:

serial transferred to subfile cp at request of sa [REDACTED]

Transferred to:

Case ID: 279A-WF-222936-CP Serial: 2

Employee: [REDACTED]

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/06/2007

On November 6, 2007, SA [] and SA [] reviewed item #60 box #7, labeled as Trilobite High School Yearbooks. The box contained five yearbooks from the following years: 1957, 1961, 1962, 1963, and 1964. The review of evidence began at approximately 10:30am and ended at approximately 1:20pm.

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"The Trilobite" is the name of the yearbook for Lebanon High School in Lebanon, Ohio. The 1964 yearbook, reviewed by SA [] is burgundy and white with Bruce Ivins' signature on the second page. There were a total of 123 pages in the book.

The 1961 yearbook, reviewed by SA [] is yellow with brown lettering. Ivins' freshman year picture is on page 46 and there are a total of 119 pages in the book.

The 1962 yearbook, reviewed by SA [] is burgundy with white lettering. There are two white diamonds with 1962 written in outline letters on the diamonds. There are a total of 118 pages in the yearbook.

The 1957 yearbook, reviewed by SA [] is yellow with a burgundy picture of a building on the cover. This is the [] yearbook for []. However, it has the initials B.I. on the inside front and rear covers. The yearbook does not have page numbers. There is a fingerprint on the page with [] picture at the top and [] picture at the bottom. In the organizations section, there are arrows drawn in pencil to several pictures. The organizations with arrows above the picture are: Student Council, Future Teachers of America, Bi-Le-Hi and Pep Club. Pictures of [] can be found under Be-Li-Hi, Class Play, Honor Society, and SEO.

The 1963 yearbook, reviewed by SAs [] and [] is a blue book with green writing. Bruce Ivins' name is located on page one and there are a total of 119 pages.

Investigation on 11/6/2007 at Falls Church, Virginia

File # 279A-WF-222936-BEI -129

Date dictated 11/6/2007

by SA []
SA []

FEDERAL BUREAU OF INVESTIGATION

Confidential Human Source (CHS) Reporting Document

Reporting Date: 10/19/2007

Case ID #: ✓ 279A-WF-222936-BEI (Pending)-130
[redacted] (Pending)

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Contact Date: 10/19/2007

Type of Contact: In Person

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Location: [redacted]

Writer: SA [redacted]

Witness(es): SA [redacted]

Source Reporting: On 10/19/2007, SAs [redacted] and [redacted] met with CHS in person, who provided the following information:

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Greetings,

I hadn't been to [sic] active for a while on the Kappa [Wikipedia] page, but I was catching up a bit last week with some edits. Since the major overhaul to the Notable Kappas, I noticed [redacted] has been removed again. I think it's a shame that the notable list is biased towards celebrities, but it's a valid point that all things on the page should be sourced. Do you by chance know of any journals or newspaper articles that might reference [redacted] involvement with Kappa? Were you able to get in touch with

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IVINS replied with the following email on 10/09/2007:

Hi! I saw your additions and comments to the KKG page. I was disappointed when IG removed [redacted] seems to be a Czarina of GLO pages! I also appreciate your straightening things out with respect to "no public motto." Sometimes things blur, as in an organization's colors, or jewel, or flower, versus its motto, ideals, etc. I thought that Kappa was the only source to settle this issue.

I would probably have to go back to the early and mid-1970s to see mention of [redacted] and Kappa, either as pledge, active member, or chapter adviser. I would think that [KKG] Headquarters in Columbus would have the information, but I don't know if that would be considered a "public source."

I'm really not "anti-Kappa," as it probably seemed earlier. KKG has set very high goals for itself and its members, and what looks bad for Kappa may not cause an eye blink from another GLO. When I was in undergraduate and graduate school, I think the thing that most impressed me with members of KKG was their intelligence. They were invariably fine-looking, had great personalities, were vary [sic] active leaders in the campus community, and were extraordinarily intelligent. Since I admire people who can think, I held Kappas in very high regard, with a bit of envy as well!

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[REDACTED]

I did write [REDACTED] and [REDACTED] didn't object to the inclusion. [REDACTED] is a brilliant, kind [REDACTED] who has devoted [REDACTED] to [REDACTED] and to [REDACTED]. If [KKG's] Columbus Headquarters can provide the proper information, then perhaps [REDACTED] [REDACTED] can be re-included.

I want to apologize again for trying to contact you through your work email. If you're from the Pittsburgh area originally, you may be quite a follower of the Pirates, Steelers and Penguins. Golfer Arnold Palmer was raised not far from Pittsburgh, I believe.

Enjoy the fall! I hope that [REDACTED] can be readded [sic] to the Notable Kappas list. I also know another Kappa, [REDACTED] [REDACTED] an alumna of William and Mary, who is a noted virologist.

JF (bruce ivins)

The original printouts of [REDACTED] with IVINS are contained in a 1A envelope.

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/09/2007b6
b7C

On November 2, 2007, pursuant to a Search Warrant issued by U.S. Magistrate Judge Deborah A. Robinson, District of Columbia, a search was conducted of safe deposit box [] located at PNC Bank (formerly Farmers and Mechanics Bank, Branch #11), 1305 West 7th Street, Frederick, Maryland. The above listed safe deposit box is rented by BRUCE E. IVINS [] of []. The following FBI Special Agents participated in the search:

SA []
SA []

At approximately 9:00 a.m., Special Agents [] and [] arrived at PNC Bank and entered the business. Shortly after arriving, SAs [] and [] made contact with [], Financial Sales Consultant, and advised her of the existence of a search warrant for safe deposit box []. SA [] presented [] with a copy of the search warrant. [] informed SAs [] and [] that the bank's assistant branch manager, [] was en route to the bank in order to assist with the execution of the warrant.

At approximately 9:37 a.m., SAs [] and [] met with [], Assistant Branch Manager for PNC Bank. SA [] advised [] of the existence of a search warrant for safe deposit box []. After reviewing a copy of a search warrant, and contacting PNC Bank's Loss Prevention Office, [] accessed the bank vault containing safe deposit boxes.

At approximately 10:00 a.m., SAs [] and [] accompanied by [] entered the vault. Prior to executing the search warrant, SA [] took photographs of the vault and safe deposit box. With the assistance of [] SA [] opened the safe deposit box. The box was moved to a counter located outside of the vault in order to inventory the contents of the safe deposit box.

Investigation on 11/02/2007 at Frederick, MarylandFile # 279A-WF-222936-BEI -131Date dictated N/Ab6
b7Cby SA []
SA []

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SSA

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Continuation of FD-302 of _____, On 11/02/2007, Page 2

The safe deposit box contained five items. They are listed as follows:

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- 1) One (1) white legal envelope which read "#2, Savings Bonds, 3/96-7/99," containing [REDACTED]
- 2) One (1) white legal envelope which read "#3, Savings Bonds from November, 1999 - 8/2002," containing [REDACTED]
- 3) One (1) white legal envelope which read "#4, Savings Bonds Dec 2002," containing [REDACTED]
- 4) One (1) white legal envelope which read "Contract Bricken," containing a copy of a contract for legal representation
- 5) [REDACTED]

All of the items were documented and photographed. All photographs and documentation pertaining to the search were enclosed in an FD-340 in the 1A section of the case file. None of the above listed items were seized during the search.

The search concluded at approximately 10:27 a.m. on November 2, 2007. At the conclusion of the search, a copy of the search warrant was placed inside the safe deposit box. Afterward, the safe deposit box was returned to the bank vault. Prior to closing the safe deposit box, SA [REDACTED] took exit photographs of the bank vault and safe deposit box. After the safe deposit box was locked, SAs [REDACTED] and [REDACTED] exited the vault. The safe deposit box was subsequently released to [REDACTED]. SA [REDACTED] released the key to safe deposit box [REDACTED] PNC Bank, 1305 West 7th Street, Frederick, Maryland, to Supervisory Postal Inspector (SPI) [REDACTED] at 9:01 a.m. on November 9, 2007.

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FEDERAL BUREAU OF INVESTIGATION

b6
b7CDate of transcription 11/06/2007

On November 1, 2007, pursuant to a Search Warrant issued by U.S. Magistrate Judge Deborah A. Robinson, District of Columbia, a search was conducted of a 1993 Honda Civic four door sedan, bearing vehicle identification number (VIN)

 registered to BRUCE EDWARDS IVINS. FBI Special Agent was responsible for the transport of the vehicle to be searched.

At approximately 7:54 p.m., SA met with SA at the residence located at Frederick, Maryland. SA provided SA with one key belonging to the above listed vehicle. The vehicle, a Honda Civic bearing Maryland license plates was parked on the street in front of the residence. SA verified the VIN # of the vehicle and noted any existing damage. Any existing damage was noted on a vehicle damage sheet. The vehicle damage sheet, along with a copy of the search warrant, has been enclosed in an FD-340 in the 1A section of the case file. SA also documented the vehicle's odometer reading as 238,920 miles.

At 7:55 p.m., SA transported the above listed vehicle from to the search site located at the intersection of Ditto Avenue at Chandler Street, Fort Detrick, Maryland. SA arrived at the search site at 7:58 p.m.

A search of the vehicle was conducted at the above listed location. The search concluded at approximately 1:06 a.m. on November 2, 2007.

At 1:06 a.m., SA transported the vehicle from the search site to the residence of the registered owner, BRUCE EDWARDS IVINS. SA arrived at the residence, which is located at at 1:12 a.m. SA documented the odometer reading of the vehicle as 238,922 miles. The vehicle was parked on the street in front of the residence and locked. SA released the vehicle key to Supervisory Postal Inspector (SPI) at 6:25 a.m. on November 2, 2007.

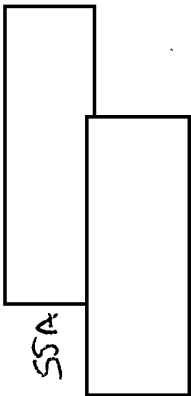
Investigation on 11/01/2007 at Frederick, Maryland

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File # 279A-WF-222936-BEI - 132 Date dictated N/A

by SA

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/06/2007 b6
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On November 1, 2007, pursuant to a Search Warrant issued by U.S. Magistrate Judge Deborah A. Robinson, District of Columbia, a search was conducted of a 2002 blue Saturn SL1 four door sedan, bearing vehicle identification number (VIN)

[redacted], registered to BRUCE EDWARDS IVINS. The following FBI Special Agents participated in the transport of the vehicle to be searched:

SA [redacted]
SA [redacted]

At approximately 8:10 p.m., SA [redacted] met with SA [redacted] at the search site located at the intersection of Ditto Avenue at Chandler Street, Fort Detrick, Maryland. SA [redacted] provided SA [redacted] with one transparent page protector containing one (1) Saturn vehicle key, one (1) Dodge vehicle key and one (1) Honda vehicle key. The page protector also contained one (1) key to a steering column lock device. SA [redacted] advised SA [redacted] that the above listed vehicle was parked in a lot located at 1425 Porter Street, Ft. Detrick, Maryland.

At 8:35 p.m., SA [redacted] located the vehicle, a blue Saturn four door sedan bearing Maryland license plates [redacted] in the lot at 1425 Porter Street. SA [redacted] verified the VIN # of the vehicle [redacted] and noted any existing damage. Any existing damage was noted on a vehicle damage sheet. The vehicle damage sheet, along with a copy of the search warrant, has been enclosed in an FD-340 in the 1A section of the case file. SA [redacted] also documented the vehicle's odometer reading as 87,192 miles.

At 8:42 p.m., SA [redacted] transported the above listed vehicle from the lot at 1425 Porter Street to the search site located at the intersection of Ditto Avenue at Chandler Street, Fort Detrick, Maryland. SA [redacted] arrived at the search site at 8:44 p.m.

A search of the vehicle was conducted at the above listed location. The search concluded at approximately 1:06 a.m. on November 2, 2007.

Investigation on 11/01/2007 at Frederick, MarylandFile # 279A-WF-222936-BEI -133Date dictated N/A

by SA [redacted]

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b7CContinuation of FD-302 of _____, On 11/01/2007, Page 2

At 1:06 a.m., SA [] transported the vehicle from the search site to the parking lot at 1425 Porter Street, Fort Detrick, Maryland. SA [] parked the vehicle in a space and locked the vehicle.

At 3:17 a.m. on November 2, 2007, SA [] transported the above listed vehicle from the parking lot at 1425 Porter Street to the Amerithrax offsite located in Frederick, Maryland. SA [] arrived at the offsite at 3:30 a.m.

At 6:11 a.m., SA [] transported the vehicle from the Amerithrax offsite to the Hilton Garden Inn Frederick. SA [] arrived at the Hilton Garden Inn, which is located at 7226 Corporate Court, Frederick, Maryland, at 6:18 a.m. SA [] documented the odometer reading of the vehicle as 87,202 miles. SA [] parked the vehicle in the lot at the Hilton Garden Inn and locked all vehicle doors. SA [] released all vehicle keys to Supervisory Postal Inspector (SPI) [] at 6:25 a.m. on November 2, 2007.

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FEDERAL BUREAU OF INVESTIGATION

b6
b7CDate of transcription 11/06/2007

On November 1, 2007, pursuant to a Search Warrant issued by U.S. Magistrate Judge Deborah A. Robinson, District of Columbia, a search was conducted of a 1996 red Dodge Ram van bearing vehicle identification number (VIN) [REDACTED] registered to [REDACTED]. The following FBI Special Agents participated in the transport of the vehicle to be searched:

SA [REDACTED]
SA [REDACTED]

At approximately 6:30 p.m., SA [REDACTED] met with SA [REDACTED] at the West 7th Street Shopping Center, Frederick, Maryland. SA [REDACTED] provided SA [REDACTED] with one key belonging to the above listed vehicle. The vehicle, a red van bearing Maryland license plates [REDACTED] was parked in the lot in front of Hallmark. SA [REDACTED] verified the VIN # of the vehicle [REDACTED] and noted any existing damage. Any existing damage was noted on a vehicle damage sheet. The vehicle damage sheet, along with a copy of the search warrant, has been enclosed in an FD-340 in the 1A section of the case file. SA [REDACTED] also documented the vehicle's odometer reading as 117,194 miles.

At 7:24 p.m., SA [REDACTED] transported the above listed vehicle from the West 7th Street Shopping Center to the search site located at the intersection of Ditto Avenue at Chandler Street, Fort Detrick, Maryland. SA [REDACTED] arrived at the search site at 7:33 p.m.

A search of the vehicle was conducted at the above listed location. The search concluded at approximately 1:06 a.m. on November 2, 2007.

At 1:06 a.m., SA [REDACTED] transported the vehicle from the search site to the residence of the registered owner, [REDACTED]. SA [REDACTED] arrived at the residence, which is located at [REDACTED] at 1:12 a.m. SA [REDACTED] documented the odometer reading of the vehicle as 117,196 miles. The vehicle was parked on the street in front of the residence and locked. SA [REDACTED] released the vehicle key

Investigation on 11/01/2007 at Frederick, MarylandFile # 279A-WF-222936-RET - 134 Date dictated N/Aby SA [REDACTED]
SA [REDACTED]b6
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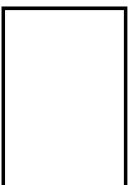
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Continuation of FD-302 of _____, On 11/01/2007, Page 2

to Supervisory Postal Inspector (SPI) at 6:25
a.m. on November 2, 2007.

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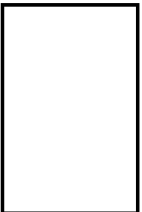
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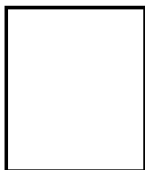
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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 11/13/2007

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To: Washington Field

Attn: ECC/NVRA

From: Washington Field

Squad AMX-2

Contact: SA

Approved By:

Drafted By:

Case ID #: 279A-WF-222936-EVIDENCE (Pending)-232
279A-WF-222936-BEI (Pending)✓ -139
321A-WF-A226437-G1 (Pending)-1376

Title: AMERITHRAX
MAJOR CASE 184

Synopsis: To document disposition of 1B4355 Barcode
E02182555.

Reference: 279A-WF-222936-BEI Serial 131

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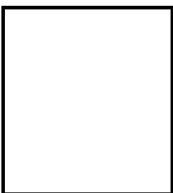
Details: On 11/09/2007, at 11:45AM, PI [redacted] and
SA [redacted] returned 1B4355 Barcode E02182555, a Red
Envelope Labeled Safe Deposit Box Key, to [redacted]
Personal Assistant to [redacted] acting council for BRUCE
EDWARDS IVINS, one Church Street, Suite 500, Rockville,
Maryland. Evidence was originally seized at 2:25AM on
11/02/2007, by SSA [redacted] pursuant to a search
warrant for United States Army Medical Institute of Infectious
Diseases Building 1425, Office 19, at 1425 Porter Street. The
original FD-597 Release of Property signed by [redacted] is
maintained in the FD-340 section of the file, Serial 1A 7507.

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[redacted]
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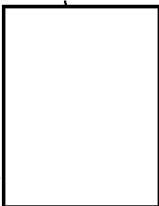


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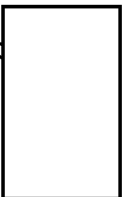
141



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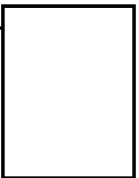
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FEDERAL BUREAU OF INVESTIGATION

b6
b7CDate of transcription 11/13/2007

On November 6, 2007, Special Agents (SA) [redacted] and [redacted] of the FBI Washington Field Office reviewed "box 1" of the evidence collected on 11/02/2007 from the residence of BRUCE EDWARDS IVINS, [redacted] "Box 1" contained the following items:

Item 4

Hand-drawn map to 16508 Ruby Circle in Hagerstown, Maryland, "barrels and brass;" and a Maryland State Police Department application to purchase a weapon, Model 21 Baretta 22LR.

Item 5

Packaging for "Spector Pro" internet monitoring software. The product's packaging states it can "automatically record and monitor every email, chat, website, keystroke, search, and myspace activity your kids or employees do on the PC or internet."

Item 6

Two index cards (3" by 5"). The first card had the text: "PW - Snivilll," "what is the your city of birth - Chico," and "what is your pet's name? - Graucho." The second card had the writing: "hotkey - CTRL + ALT + Shift + S" and "PW = 1234!@#\$."

Item 7

Checkbook register.

Item 8

Glock 27 gun barrel, serial number L33644, .40 caliber.

Item 9

An index card (3" by 5") with password information for SP6.

Item 10

Detailed handwritten directions to/from [redacted] a mapquest printout for the same address with the dates of 02/07/2006 and 02/08/2006; additional

Investigation on 11/06/2007 at Falls Church, VA

File # 279A-WF-222936-BEI - 144

Date dictated N/A

by SA [redacted]
SA [redacted]

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Continuation of FD-302 of N/A, On 11/06/2007, Page 2

maps for the same address but with zoomed in portions of map or Google satellite imagery.

Item 11

A passport application for a nine day trip to Russia, anticipated travel date of 07/13/2001; IVINS' social security card; a newspaper article titled: "Cincinnati Graffiti," dated September 1978 in reference to [redacted] painting a mural; and an article from the Frederick News Post dated March 1, 1982, titled: "Area Man Offers Juggling Course," a photo of IVINS is with the article.

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Item 12

Countersurveillance package/equipment; shipping records indicate the item was mailed on 12/19/2006 from GREAT SOUTHERN TECH. INC., P.O. Box 923, Sicklerville, NJ 08081. Package included a set of headphones, a phone jack with three outputs, a device for detecting transmittance, and one CD labeled "white noise generator." Pamphlets indicated that the equipment could "detect eavesdropping transmitters including: body wires, room bugs, telephone eavesdropping transmitters including series and parallel telephone transmitters, concealed transmitting video cameras and the infinity bug."

Item 13

Blank greeting cards from ST. JOHN'S RESPECT LIFE COMMITTEE from the time frame of 1994 and 1995. One of the cards has artwork from [redacted] that includes text with handwritten capitol lettering.

Item 18

Plastic gloves and a stir bar.

Item 19

Film negatives (appears to be of a person by a bolder with a plaque on it).

Item 20

An index card (3" by 5") with a list and email addresses; a scrap of paper with 2 addresses; a post-it note with the name [redacted] and [redacted] "a thank you card from [redacted] with a photo of a baby included; and 10 business cards.

279A-WF-222936-BEI

Continuation of FD-302 of N/A, On 11/06/2007, Page 3Item 21

A bag with fake hair pieces such as sideburns, and a mustache; glue, puddy wax, bruise kit, fake blood, makeup, powder and a brush.

Item 22

Spiral Notebook with handwritten information about guns, firing ranges, and classes. The information contains dates around the 2005 time period.

Item 23

A scrap of paper with a partially illegible license plate number for a blue sedan; a folder with handwritten notes that appear to reference church music; an index card (3" by 5") with "P175 65R 14;" a funeral program for SARA MAE HAMMOND; [redacted] a partially addressed envelope to IVINS from [redacted], dated 11/24/2005; a scrap of paper with a phone number and a glasses prescription; a mapquest printout for the address [redacted] Arlington, VA.

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b7CItem 24

Financial papers: Janus quarterly statement for January 07 through March 07, balance at quarter end was [redacted] [redacted] with account number # [redacted] 08/26/2007 purchase receipt for a six month supply of [redacted] a hair-loss treatment; handwritten note with Visa account numbers; a receipt for Spectra Pro for \$104.99; a receipt for Margaret R. Pardee Memorial Hospital, dated 09/11/2006 for a "wellness quest visit;" a flyer from Lab Safety and Supply (LSS) dated 12/16/2005, the flyer insinuates a previous purchase from the company was made; and a vehicle inspection receipt for a 1995 Honda Civic, temporary license number: TEMP00047, dated 07/14/2004.

Item 25

NEWSWEEK Magazine dated 08/05/2006, cover is about the Olympic bombings and there is an article about TOM BROKAW inside; sheet music and copyrights and eventual release of the rights for the music by IVINS; Space shuttle Challenger article dated 01/28/1988; donation receipt letter for a Challenger fund; dedication program for CHRISTA MCALIFFE school in Germantown Maryland (IVINS was listed as performing the prelude); multiple thank you letters for donations to the CHRISTA MCALIFFE fund; address 504 E. W. Patrick; a Religion Teachers' journal from 1987 addressed to [redacted] Whiteplains New York; DR.

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b7CContinuation of FD-302 of N/A, On 11/06/2007, Page 4

[redacted] papers and information; letter to the editor dated 05/20/1986 from [redacted] of Gaithersburg, Maryland, with reference to MCAULIFFE; piece of paper with Bacillus subtilis information with reference to a scientific study; and papers from the Nashville Songwriters Association International dated 07/19/1986.

Item 26

Envelope labeled "Family Tree" with newspaper clippings regarding IVINS, [redacted] and [redacted] family members; clipping regarding the robbery of MR. AND MRS. WILBUR C. IVINS; editorial regarding Lebanon, Ohio.

Folder labeled "Correspondence-1979" with letters from various facilities/schools acknowledging receipt of job inquiries, including one from the University of Tennessee-Knoxville; and letters regarding research/publication.

Folder labeled "Correspondence-1978" with correspondence regarding research/publications; letters acknowledging receipt of and/or rejecting job applications and/or research proposals; and letters regarding a job at Uniformed Services.

Folder labeled "Correspondence-1976" with a letter informing of the suicide of JOHN LIMHOFF, University of Cincinnati Medical Center dated August 10, 1976; and letters regarding research and grant/job applications.

Folder labeled "Correspondence From-1980" with a letter regarding a visit to USAMRIID, scheduled for a visit/job offer/job posting at the University of Tennessee; letter from the University of Maryland (UMD) regarding a visit to UMD in 1980; and letters regarding research, publications, and job applications.

One loose letter from Texas College of Osteopathic Medicine regarding the submission of a CV.

Folder labeled "Letters to Others-1980" with letters regarding job applications/research.

Folder labeled "Letters to Others-'79" with letters regarding job applications/research; and a handwritten list of contacts at various schools/facilities.

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Continuation of FD-302 of N/A, On 11/06/2007, Page 5

Item 27

Book, The Plague by Albert Camns. The book has multiple instances where the text was underlined.

Item 28

IVINS' CV, his teaching and research interests, and his transcripts from the University of Cincinnati from the time period of about June 1964 through June 1976.

Item 31

Photocopies of U.S. Army Military Institute of Infectious Diseases (USAMRIID) notebooks numbered: 3920, 3302, 4306, 3919, 4281, 4306, 4383, 1670, 1599.

Item 32

Faxed pages dated 06/11/2004 of [redacted] laboratory notebook from [redacted] information of [redacted] mistaken mailing of live Bacillus anthracis; [redacted] CV; a memo from a law firm representing [redacted] requesting IVINS to evaluate/address issues with the CDC's investigation of [redacted] regarding [redacted] mistaken mailing; certificates and CV's of [redacted] and [redacted]; business card of [redacted] Accreditation Manager; and scientific journal photocopies dealing with formaldehyde and heat.

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FEDERAL BUREAU OF INVESTIGATION

b6
b7CDate of transcription 11/06/2007

On 11/02/2007 Special Agent (SA) [redacted] along with SA [redacted] FBI Laboratory Division, Hazardous Materials Response Unit, Hazardous Materials Officer (HMO) [redacted] and HMO [redacted] transported evidentiary items and environmental samples collected during the search of three vehicles, a residence, an office, two lockers, and laboratory spaces within the U.S. Army Medical Research Institute of Infectious Diseases (USAMRIID). The items were transferred to the custody of [redacted] of the National Bioforensic Analysis Center (NBFAC), 1425 Porter Street, Frederick, Maryland for analyses.

Since the NBFAC was not ready to secure weapons, SAs [redacted] and [redacted] retained Residential Search, Item number 62, a beige lockbox containing Stunmaster 300S, Airtaser, Stunmaster 100S, 2 Peppersprays, and Batteries. SAs [redacted] and [redacted] also retained Residential Search, Item number 47, a black briefcase containing three firearms, further described as 1) Glock, Model 34, S/N KKP854, 2) Beretta, S/N DAA274445, and 3) Glock, Model 27, S/N ERF247. The firearms were transported by SAs [redacted] and [redacted] to Baltimore Division, Principal Firearms Instructor, [redacted] who cleared the weapons to be safe and empty, and secured them with zip ties. SA [redacted] turned over custody of Residential Search items, numbered 47 and 62 to Inspector in Charge [redacted] who secured the items.

On 11/05/2007, SA [redacted] retrieved the evidentiary items from [redacted] transported, and secured the items at the Washington Field Office, Northern Virginia Resident Agency.

The FD-597s documenting the transfers described above, have been submitted to the 1A section of the file.

Investigation on 11/02/2007 at Fort Detrick, Maryland

b6
b7C

File # 279A-WF-222936-BEI - 145 Date dictated 11/06/2007

by

SA [redacted]
[redacted]

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/05/2007

b6
b7C

Federal Search Warrant, Case Number 07-529-M-01, issued in the United States District Court for the District of Columbia, was executed for the United States Army Medical Research Institute of Infectious Diseases (USAMRIID), Building 1425, office 19, specifically the work space belonging to BRUCE EDWARDS IVINS, starting at approximately 8:50 p.m. on November 1, 2007. Special Agents [redacted]

[redacted] (HMRT), [redacted] (HMRT), and [redacted] (CART), conducted the search. Also present was FBI Document Examiner [redacted] who was providing on site document analysis.

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SA [redacted] and Postal Inspector [redacted] arrived at USAMRIID at approximately 7:15 p.m. where they met [redacted] at the rear entrance of Building [redacted]. [redacted] provided instruction to the security staff to provide agents with unlimited access to the facility in order to carry out the searches being conducted at the facility.

SAs [redacted] and [redacted] conducted an initial survey and began entrance photos at approximately 8:50 p.m. at which time SA [redacted] opened the unlocked door to office [redacted]. Office [redacted] is a shared office and only areas of the office known to be occupied by IVINS were searched.

SA [redacted] located 13 savings bonds in a locked filing cabinet, for which IVINS provided the key to SA [redacted]. The savings bonds were photographed and replaced in the filing cabinet which was then locked. SAs [redacted] and [redacted] witnessed the location, photographing, and replacement of the savings bonds into the drawer and locking the filing cabinet. SA [redacted] returned the key to SA [redacted].

SA [redacted] located three Falcon type screw-top tubes containing unknown substances. One tube contained a white unidentified loose powder, another tube contained several microfuge tubes with unknown contents, and the last contained yellowish clumps of unknown origin.

After the search of IVINS' areas within office 19 was completed, HMRT conducted environmental sampling and collected the Falcon type tube containing suspicious unknown substances.

Investigation on 11/01/2007 at Frederick, Maryland

File # 279A-WF-222936-BEI -146 Date dictated _____

by SA [redacted]

b6
b7C

279A-WF-222936-BEI

Continuation of FD-302 of _____, On 11/01/2007, Page 2

At approximately 3:45 a.m. exit photographs and a final survey were conducted. A copy of the warrant and FD-597 for property collected during the search was photographed in place and left at on IVINS' desk.

The following items of evidence were seized:

- 1) One blue binder labeled slides BEI;
- 2) Two business cards;
- 3) One piece of paper with usernames and passwords;
- 4) Red envelope labeled safe deposit box key;
- 5) One 8mm video cassette labeled "House Contents";
- 6) Photocopies of ID cards and credit cards;
- 7) One printout from abcnews.com;
- 8) Five manila folders with documents;
- 9) Thirteen optical disks;
- 10) Twelve "ZIP" disks;
- 11) One Western Digital HDD 120GB - Image of Dell Office Computer;
- 12) One Western Digital HDD 120GB - Image of various loose media including floppy disks, thumb drive, "ZIP" disks;
- 13) One 100 MD "ZIP" disk labeled 'Backup #7 - Feb07'

All associated paperwork and a CD containing the photographs will be placed in the 1A section of the file under serial 7513.

b6
b7C

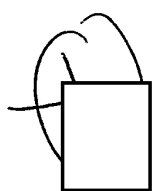
279A-WF-222936-BEI -1/4/7



1

On November 14, 2007, Special Agent [redacted] reviewed documents from evidence item 1B4377 described as "Item 3: One (1) small cardboard box labeled [redacted] attorney client privilege'." The box contained documents pertaining to research conducted at the U.S. Army Medical Research Institute of Infectious Diseases (USAMRIID) and folders containing correspondents to and/or from various individuals/groups for the years 1994, 2003, and 2004. Among the correspondence were two letters written to Senators Barbara Mikulski and Paul Sarbanes in June of 1994 regarding legislation concerning workplace discrimination based on sexual orientation. Copies of these letters are attached hereto. Among the documents pertaining to USAMRIID research was: Information on USAMRIID study number B00-03 study [redacted] rabbit study); Information on USAMRIID study D99-02\ [redacted] monkey exposure); Information on USAMRIID study number B01-11 (Bruce Ivins' formaldehyde study); a 2003 rPA research proposal; Michigan Department of Public Health AVA vaccine lot testing information; *Bacillus anthracis* RMR-1030 inventory sheet; *Bacillus anthracis* RMR-1029 inventory sheet and production information (Dugway shipments 1 to 7); information on USAMRIID study protocols 113, D94-09, B98-03, 133, 116, 114, PA1, PA2, PA7, 135, 025, 137, 136, D94-04, and B97-03.

b6
b7C



Selected documents were copied, which will be attached hereto and are described as follows.

A copy of the RMR-1029 log with notes as to what the removed samples were used for and to whom they were given. This version of the log lists the location as being in B3 cold room and the last entry date is 11/18/2003.

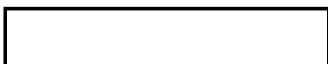
A copy of the RMR-1029 log, listing the location as being room 115, building 1412, and the last entry is dated 4/3/2000.

Copies of 'spore preparation forms' dated 9/14/1999 and 10/15/1999, indicating RMR-1029 was used for study D99-02.

A copy of a 'spore preparation form' dated 10/16/1997, indicating RMR-1029 was used for study GLP-104-3-LP.

Copies of 'spore preparation forms' dated 04/05/2000, 04/07/2000, 04/10/2000, 07/17/2000, 07/18/2000, 04/10/2001, 04/12/2001, and 07/10/2001, indicating RMR-1029 was used for study B00-03.

b6
b7C



SPORE PREPARATION FORM

STUDY #: B00-03 (part 1: 1-dose efficacy test with 2 PA preparations)

DATE: 5 April 00

SPORE PREPARER: Ivins

SPORES USED: B. anthracis Ames strain (RMR 1029)

APPROXIMATE CONCENTRATION OF SPORE STOCK SOLUTION: 3.9×10^{10} /ml

DESIRED CONCENTRATION OF SPORES FOR AEROSOL:

DILUTION FACTOR: of spores per of aerosol suspension

b2
b7F

NUMBER OF ANIMALS TO BE CHALLENGED

AMOUNT (ML) OF SPORE SUSPENSION NEEDED FOR AEROSOL:

AMOUNT OF SPORES ADDED TO BOTTLE:

AMOUNT OF WATER ADDED TO BOTTLE:

SPORES DELIVERED TO BE AEROSOLIZED AT: morning of 5 April 00

PLATE COUNTS (FROM DILUTION):

PLATE 1	PLATE 2	PLATE 3	PLATE 4	PLATE 5
21	19	13	32	35

AVERAGE = 24

CONCENTRATION OF BACTERIA IN SUSPENSION FOR AEROSOL:

OTHER REMARKS:

SIGNATURE OR INITIALS:

DATE: 4/26/00

b6
b7C

DATA VERIFIED BY: *BS*

DATE: 5/2/00

SPORE PREPARATION FORM

STUDY #: B00-03 (part 1: 1-dose efficacy test with 2 PA preparations)

DATE: 7 April 00

SPORE PREPARER: Ivins

SPORES USED: B. anthracis Ames strain (RMR 1029)

b2
b7F

APPROXIMATE CONCENTRATION OF SPORE STOCK SOLUTION:

DESIRED CONCENTRATION OF SPORES FOR AEROSOL:

DILUTION FACTOR: 1 ml of spores per ml of aerosol suspension

NUMBER OF ANIMALS TO BE CHALLENGED:

AMOUNT (ML) OF SPORE SUSPENSION NEEDED FOR AEROSOL:

AMOUNT OF SPORES ADDED TO BOTTLE:

AMOUNT OF WATER ADDED TO BOTTLE:

SPORES DELIVERED TO BE AEROSOLIZED AT: morning of 7 April 00

PLATE COUNTS (FROM DILUTION):

PLATE 1	PLATE 2	PLATE 3	PLATE 4	PLATE 5
31	36	30	47	30
AVERAGE = 34.8				

CONCENTRATION OF BACTERIA IN SUSPENSION FOR AEROSOL:

$$\frac{34.8 \times 10}{10^{-7}} = 348 \times 10^7 = 3.48 \times 10^9 / \text{ml}$$

OTHER REMARKS:

b6
b7C

SIGNATURE OR INITIALS:

DATE: 4/26/00

DATA VERIFIED BY: *BS*

DATE: 5/2/00

SPORE PREPARATION FORM

STUDY #: B00-03 (part 1: 1-dose efficacy test with 2 PA preparations)

DATE: 10 April 00

SPORE PREPARER: Ivins

SPORES USED: B. anthracis Ames strain (RMR 1029)

APPROXIMATE CONCENTRATION OF SPORE STOCK SOLUTION: $3.9 \times 10^{10}/\text{ml}$

b6
b7C
b2
b7F

DESIRED CONCENTRATION OF SPORES FOR AEROSOL:

DILUTION FACTOR: 1 ml of spores per of aerosol suspension

NUMBER OF ANIMALS TO BE CHALLENGED:

AMOUNT (ML) OF SPORE SUSPENSION NEEDED FOR AEROSOL:

AMOUNT OF SPORES ADDED TO BOTTLE:

AMOUNT OF WATER ADDED TO BOTTLE:

SPORES DELIVERED TO BE AEROSOLIZED AT: morning of 10 April 00

PLATE COUNTS (FROM DILUTION):

PLATE 1	PLATE 2	PLATE 3	PLATE 4	PLATE 5
28	46	40	34	59

AVERAGE = 41.4

CONCENTRATION OF BACTERIA IN SUSPENSION FOR AEROSOL:

SIGNATURE OR INITIALS: B2

DATE:

4/17/00

b6
b7C

DATA VERIFIED BY:

DATE: 4/26/00

SPORE PREPARATION FORM

STUDY #: B00-03 (part 2: 1 dose efficacy with 25 µg PA; 2 preparations)

DATE: ~~11 JUL 00~~

SPORE PREPARER: Ivins

b6
b7C
b2
b7F

~~17 July 00~~
SPORES USED: B. anthracis Ames strain (RMR 1029)

APPROXIMATE CONCENTRATION OF SPORE STOCK SOLUTION: 3.9×10^{10} /ml

DESIRED CONCENTRATION OF SPORES FOR AEROSOL:

DILUTION FACTOR: 1 ml of spores per ml of aerosol suspension

NUMBER OF ANIMALS TO BE CHALLENGED:

AMOUNT (ML) OF SPORE SUSPENSION NEEDED FOR AEROSOL:

AMOUNT OF SPORES ADDED TO BOTTLE:

AMOUNT OF WATER ADDED TO BOTTLE:

SPORES DELIVERED TO BE AEROSOLIZED AT: ~~morning of 11 July 00~~ ^{17 July 00}

PLATE COUNTS (FROM DILUTION):

PLATE 1	PLATE 2	PLATE 3	PLATE 4	PLATE 5
23	26	30	34	37

AVERAGE = 30

CONCENTRATION OF BACTERIA IN SUSPENSION FOR AEROSOL:

OTHER REMARKS:

SIGNATURE OR INITIALS: *B2*

DATE: 18 Jul 00

b6
b7C

DATA VERIFIED BY:

DATE: 31 Jul 00

SPORE PREPARATION FORM

STUDY #: B00-03 (part 2: 1 dose efficacy with 25 µg PA; 2 preparations)

☐ 18
DATE: 13 JUL 00

SPORE PREPARER: Ivins

b6
b7C
b2
b7F

SPORES USED: B. anthracis Ames strain (RMR 1029)

APPROXIMATE CONCENTRATION OF SPORE STOCK SOLUTION: 3.9×10^{10} /ml

DESIRED CONCENTRATION OF SPORES FOR AEROSOL:

DILUTION FACTOR: 1 ml of spores per of aerosol suspension

NUMBER OF ANIMALS TO BE CHALLENGED:

AMOUNT (ML) OF SPORE SUSPENSION NEEDED FOR AEROSOL:

AMOUNT OF SPORES ADDED TO BOTTLE:

AMOUNT OF WATER ADDED TO BOTTLE:

SPORES DELIVERED TO BE AEROSOLIZED AT: morning of 11 July 00

PLATE COUNTS (FROM DILUTION):

PLATE 1	PLATE 2	PLATE 3	PLATE 4	PLATE 5
25	31	38	34	23
AVERAGE = 30.2				

CONCENTRATION OF BACTERIA IN SUSPENSION FOR AEROSOL:

OTHER REMARKS:

SIGNATURE OR INITIALS:

B2

DATE: 25 Jul 00

DATA VERIFIED BY:

DATE: 31 Jul 00

b6
b7C

SPORE PREPARATION FORM

STUDY #: B00-03 (part 2: 1 dose efficacy with 25 µg PA; 2 preparations)

DATE: 11 JUL 00

SPORE PREPARER: Ivins

SPORES USED: B. anthracis Ames strain (RMR 1029)

b6
b7C
b2
b7F

APPROXIMATE CONCENTRATION OF SPORE STOCK SOLUTION: 3.9×10^{10} /ml

DESIRED CONCENTRATION OF SPORES FOR AEROSOL:

DILUTION FACTOR: 1 ml of spores per of aerosol suspension

NUMBER OF ANIMALS TO BE CHALLENGED:

AMOUNT (ML) OF SPORE SUSPENSION NEEDED FOR AEROSOL:

AMOUNT OF SPORES ADDED TO BOTTLE:

AMOUNT OF WATER ADDED TO BOTTLE:

SPORES DELIVERED TO BE AEROSOLIZED AT: morning of 11 July 00

PLATE COUNTS (FROM DILUTION):

PLATE 1	PLATE 2	PLATE 3	PLATE 4	PLATE 5
---------	---------	---------	---------	---------

AVERAGE =

CONCENTRATION OF BACTERIA IN SUSPENSION FOR AEROSOL:

OTHER REMARKS:

SIGNATURE OR INITIALS:

DATE:

DATA VERIFIED BY:

DATE:

SPORE PREPARATION FORM

STUDY #: B00-03 (part 3; 1 dose efficacy with 5, 25 and 100 μ g PA + Alhydrogel)b2
b7F

DATE: 10 APR 01

SPORE PREPARER: Ivins

SPORES USED: B. anthracis Ames (RMR 1029)APPROXIMATE CONCENTRATION OF SPORE STOCK SOLUTION: $3.9 \times 10^{10}/\text{ml}$ DESIRED CONCENTRATION OF SPORES FOR AEROSOL: DILUTION FACTOR: 1 ml of spores per of aerosol suspensionNUMBER OF ANIMALS TO BE CHALLENGED:

AMOUNT (ML) OF SPORE SUSPENSION NEEDED FOR AEROSOL:

AMOUNT OF SPORES ADDED TO BOTTLE: AMOUNT OF WATER ADDED TO BOTTLE:

SPORES DELIVERED TO BE AEROSOLIZED AT: morning of 10 APR 01

PLATE COUNTS (FROM DILUTION):

PLATE 1 PLATE 2 PLATE 3 PLATE 4 PLATE 5

24

21

37

46

33

AVERAGE = 132.2

CONCENTRATION OF BACTERIA IN SUSPENSION FOR AEROSOL:

OTHER REMARKS:

SIGNATURE OR INITIALS:

DATE: 4/11/01

DATA VERIFIED BY:

DATE: 4/11/01

b6
b7C

SPORE PREPARATION FORM

STUDY #: B00-03 (part 3; 1 dose efficacy with 5, 25 and 100 µg PA + Alhydrogel)

DATE: 12 APR 01

SPORE PREPARER: Ivins

b2
b7F

SPORES USED: B. anthracis Ames (RMR 1029)

APPROXIMATE CONCENTRATION OF SPORE STOCK SOLUTION: $3.9 \times 10^{10}/\text{ml}$

DESIRED CONCENTRATION OF SPORES FOR AEROSOL:

DILUTION FACTOR: 1 ml of spores per of aerosol suspension

NUMBER OF ANIMALS TO BE CHALLENGED: B2 - 4/10/01

AMOUNT (ML) OF SPORE SUSPENSION NEEDED FOR AEROSOL:

=

AMOUNT OF SPORES ADDED TO BOTTLE:

AMOUNT OF WATER ADDED TO BOTTLE:

SPORES DELIVERED TO BE AEROSOLIZED AT: morning of 12 APR 01

PLATE COUNTS (FROM DILUTION):

PLATE 1	PLATE 2	PLATE 3	PLATE 4	PLATE 5
33	41	40	33	30

AVERAGE =

CONCENTRATION OF BACTERIA IN SUSPENSION FOR AEROSOL:

OTHER REMARKS:

b6
b7C

SIGNATURE OR INITIALS:

DATE: 4/17/01

DATA VERIFIED BY:

DATE: 4/17/01

SPORE PREPARATION FORM

STUDY #: B00-03 (part 4; 1 dose efficacy with 1, 5, 25 and 100 µg PA per dose)

DATE: 10 July 01

SPORE PREPARER: Ivins

SPORES USED: B. anthracis Ames (RMR 1029)

b2
b7F

APPROXIMATE CONCENTRATION OF SPORE STOCK SOLUTION: 3.9 X 10¹⁰/ml

DESIRED CONCENTRATION OF SPORES FOR AEROSOL:

DILUTION FACTOR: 1 ml of spores per of aerosol suspension

NUMBER OF ANIMALS TO BE CHALLENGED:

AMOUNT (ML) OF SPORE SUSPENSION NEEDED FOR AEROSOL:

AMOUNT OF SPORES ADDED TO BOTTLE:

AMOUNT OF WATER ADDED TO BOTTLE:

SPORES DELIVERED TO BE AEROSOLIZED AT: morning of 10 July 01

PLATE COUNTS (FROM DILUTION):

PLATE 1	PLATE 2	PLATE 3	PLATE 4	PLATE 5
41	33	44	28	28
AVERAGE = 34.8				

CONCENTRATION OF BACTERIA IN SUSPENSION FOR AEROSOL:

OTHER REMARKS:

SIGNATURE OR INITIALS: *Be2*

DATE: 11 Jul 01

DATA VERIFIED BY:

DATE: 13 July 01

b6
b7C

SPORE PREPARATION FORM

b2
b7F

STUDY #: GLP-104-3-LP

DATE: 10/16/97

INVESTIGATOR: Bruce Evans
RMR1029

SPORES USED: B. anthracis Ames strain, reference material # ~~XXXXXX~~, in 1% phenol

APPROXIMATE CONCENTRATION OF SPORE STOCK SOLUTION: 3.2×10^6 CFU/ml

DESIRED CONCENTRATION OF SPORES FOR AEROSOL:

DILUTION FACTOR: 1 ml of spores per ml of aerosol suspension

NUMBER OF ANIMALS TO BE CHALLENGED:

AMOUNT (ML) OF SPORE SUSPENSION NEEDED FOR AEROSOL:

AMOUNT OF SPORES ADDED TO BOTTLE:

AMOUNT OF WATER ADDED TO BOTTLE:

SPORES DELIVERED TO BE AEROSOLIZED AT: 8:30 am 10/16/97

PLATE COUNTS (FROM DILUTION):

PLATE 1	PLATE 2	PLATE 3	PLATE 4	PLATE 5
32	39	41	35	44

AVERAGE = 38.2

CONCENTRATION OF BACTERIA IN SUSPENSION FOR AEROSOL:

OTHER REMARKS:

None

SIGNATURE OR INITIALS:

B2

DATE: 10/16/97

DATA VERIFIED BY:

DATE: 10/19/97

ANTO 300 Form 1

b6
b7C

SPORE PREPARATION FORM

STUDY #: D99-02

DATE: 14 SEP 99

SPORE PREPARER: Ivins

SPORES USED: B. anthracis Ames, RMR 1029, in 1% phenol

b2
b7F

APPROXIMATE CONCENTRATION OF SPORE STOCK SOLUTION: $2.5 \times 10^{10}/\text{ml}$

DESIRED CONCENTRATION OF SPORES FOR AEROSOL:

DILUTION FACTOR: 1 ml of spores per ml of aerosol suspension

NUMBER OF ANIMALS TO BE CHALLENGED:

AMOUNT (ML) OF SPORE SUSPENSION NEEDED FOR AEROSOL:

AMOUNT OF SPORES ADDED TO BOTTLE:

AMOUNT OF WATER ADDED TO BOTTLE:

SPORES DELIVERED TO BE AEROSOLIZED AT: 0730

PLATE COUNTS (FROM -9/23/99 DILUTION):

PLATE 1	PLATE 2	PLATE 3	PLATE 4	PLATE 5
27	32	29	30	24
AVERAGE = 28.4				

CONCENTRATION OF BACTERIA IN SUSPENSION FOR AEROSOL:

OTHER REMARKS:

SIGNATURE OR INITIALS: B2

DATE: 9/23/99

b6
b7C

DATA VERIFIED BY:

DATE: 9/23/99

SPORE PREPARATION FORM

STUDY #: D99-02

DATE: 15 OCT 99

SPORE PREPARER: Ivins

b2
b7F

SPORES USED: B. anthracis Ames, RMR 1029, in 1% phenol

APPROXIMATE CONCENTRATION OF SPORE STOCK SOLUTION: $2.5 \times 10^{10}/\text{ml}$

DESIRED CONCENTRATION OF SPORES FOR AEROSOL:

DILUTION FACTOR: 1 ml of spores per of aerosol suspension

NUMBER OF ANIMALS TO BE CHALLENGED

AMOUNT (ML) OF SPORE SUSPENSION NEEDED FOR AEROSOL:

AMOUNT OF SPORES ADDED TO BOTTLE: microliters

AMOUNT OF WATER ADDED TO BOTTLE: ml

SPORES DELIVERED TO BE AEROSOLIZED AT: 0730

PLATE COUNTS (FROM DILUTION):

PLATE 1	PLATE 2	PLATE 3	PLATE 4	PLATE 5
20	21	26	29	32

AVERAGE = 25.6

CONCENTRATION OF BACTERIA IN SUSPENSION FOR AEROSOL:

OTHER REMARKS:

SIGNATURE OR INITIALS:

BL

DATE: 10/18/99

b6
b7C

DATA VERIFIED BY:

DATE: 10 OCT 99

U.S. Army Medical Research Institute of Infectious Diseases

Reference Material Receipt Record

Date Received at USAMRIID:

22 Oct 97

Received by:

Bruce Ivins

Description:

Highly purified *Bacillus anthracis* Ames spores, ~ 3×10^{10} /ml, vacuum total,
in screw-capped polypropylene tubes

USAMRIID Part No.:

1029

Lot No.:

Not Applicable

Supplier:

Dugway Proving Ground
USAMRIID
Bacteriology Division

Quantity:

1000ml total

Expiration Date:

31 Dec 2002

Storage:

-8°C in 1% phenol
Room 115, Bldg 1412

Vendor:

From *B. anthracis* Ames strain, Ames Iowa

Condition:

very good

Intact Container:

Y N

Temperature upon arrival:

-8°C

Comment:

See USAMRIID Notebook 4010. These spores are highly purified.
They are > 95% unclumped, single, refractile spores.

Reference Material Inventory:

Amount In	Amount Used	Date	Balance Left	Init.
1000 ml	1 ml	9/17/98	999 ml	B2
	1 ml	3/16/99	998 ml	B2
	1 ml	3/23/99	997 ml	B2
	2 ml	5/5/99	995 ml	B2
	1 ml	5/11/99	994 ml	B2
	6 ml	2/22/00	988 ml	B2
	8 ml	3/22/00	980 ml	B2
	75 ml	4/3/00	905 ml	B2

U.S. Army Medical Research Institute of Infectious Diseases

Reference Material Receipt Record

Date Received at USAMRIID:

22 Oct 97

Received by:

Bruce Ivins
Bruce E. Ivins

Description: Highly purified Ames spores, $\approx 3 \times 10^{10}$ /ml, 1000ml total,
in polycarbonate flasks

USAMRIID Part No.:

1029

Lot No.:

Not Applicable

Supplier:

Dugway Proving Ground
USAMRIID
Bacteriology Division

Quantity:

1000ml total

Expiration Date:

31 Dec 2002

Storage:

-80°C in 1% phenol

Vendor:

From B. anthracis Ames
Strain, Ames, Iowa

6B3 cold room in
Bldg 1425

Condition:

very good

Intact Container:

Y

N

Temperature upon arrival:

-80°C

Comment:

See USAMRIID Notebook 4010. These spores are highly purified.
They are > 95% unclumped, single, refractile spores.

Reference Material Inventory:

	Amount In	Amount Used	Date	Balance Left	Init.
1	1000 ml	1 ml	9/17/98	999 ml	B2
2		1 ml	3/16/99	998 ml	B2
3		1 ml (B97-05)	3/23/99	997 ml	B2
4		2 ml (B97-05)	5/5/99	995 ml	B2
5		1 ml (B97-05)	5/11/99	994 ml	B2
6		6 ml (Covance)	2/22/00	988 ml	B2
7		8 ml (Covance)	3/22/00	980 ml	B2
8		75 ml (B97-03 Part 1)	4/3/00	905 ml	B2
9		1 ml	6/29/00	904 ml	B2
10		40 ml (B97-03 Part 2)	7/7/00	864 ml	B2
11		40 ml	8/28/00	824 ml	B2
12		100 ml (B97-03 Part 1)	12/14/00	724 ml	B2
13	Added - 59 Apr 04 ->	0.5 ml	7 March 2001	724 ml	B2

b6
b7C

From previous page

AD-03-06:E1

- A. 17 March 96 - Book 4610 - 3 ml for irradiated for phenol & endotoxin tests
- B. Book 4610 - 3 ml for various tests (phage smid) encapsulation plate counts

1

2. Book 3745 - ^{16 March 99} - 1 ml for testing germination media, m
3. Book 3745 - ^{23 March 99} - 2 ml - viability count & challenge
4. Book 3745 - 5 May 99 - 2 ml - capsule broth development
5. Book 3745 - 11 May 99 - 1 ml - capsule broth development
- C. Book 3745 - 25 Aug 99 - 2 ml - viability count & challenge
6. 6 ml used to immunize rabbits at Covance to get anti-sporo anti-serum
[redacted] email - 4/28/2000 - Book 4000 - pp 83, 86, 97
7. 8 ml used to immunize rabbits at Covance to get anti-sporo anti-serum
[redacted] email - 4/28/2000 - Book 4000 - pp 83, 86, 97
8. 4/13/00 - 732 ml/ml for 3-spray challenges^{inhibit} (Book 03, part 1
5, 7 & 10 April, 00 [redacted])
- D. 14 Sep 99 - D99-02 [redacted] Spore Strains - 20.2 ml
- E. 7 Apr 00 - ^{CPG 99-07} Guinea pig study - Book 4000 - 20.1 ml
- F. 22 Nov 00 ^{part 07} CPG study ing pigs - Book 4000 - 20.1 ml
- 9.

10 17 & 18 Jul 00 - B00-03, part 2 - ~38 ml - rabbit challenge

11 26 Aug 00 - 40 ml given to [redacted] in 1412

12 4 Dec 00 - 87 ml used for F00-11, BioBrat Rabbit Challenge

13 ~~to Derna~~
7 March 01 - 0.5 ml - sent to [redacted], New Mexico

14 6 April 01 - 37 ml - B00-03, part 3, rabbit challenge

15 1 May 01 - 90 ml concentrated to 50-70 ml, for [redacted] at Battelle

16 15 June 01 - 50 ml concentrated to 30 ml for [redacted] at Battelle

17 9 July 01 - 40.6 ml for B00-03, part 4 rabbit challenge

~~18~~

18

19

20

21

22

23

24

25 10 Dec 01 - 38.8 ml for B00-03 part 5 challenge

26

27

28

29

30

Listing Based Upon Number of Immunizations

AVA Lot	# of immunizations	Challenge dose (# of spores)	Challenge strain	% Survival
FAV018	1	1000	V1B	60
Lot 18	1	7280	Ames	64
Lot 18	1	200,000	Ames	25
Lot 18	1	200,000	Ames	45
FAV006	1	1000	Ames	58
FAV006	1	10000	Ames	40
FAV006	1	100000	Ames	58
FAV006	1	1000	V1B	88
FAV006	1	10000	V1B	83
FAV006	1	100000	V1B	83
FAV006	1	200000	Ames	25
FAV012	2	10000	Ames	70
NL	2	1000	Ames	65
NL	2	10000	Ames	60
NL	2	100000	Ames	60
FAV008	2	50000	Ames	42
FAV006	2	1000	Ames	91
FAV006	2	10000	Ames	58
FAV006	2	100000	Ames	42
FAV006	2	1000	V1B	92
FAV006	2	10000	V1B	92
FAV006	2	100000	V1B	82
FAV018	2	10000	Ames	6
FAV018	2	10000	V1B	56
FAV038	2	10000	Ames	75
FAV038	2	10000	V1B	94
NL	3	4300	Ames	71
Lot 19 (2/10/87)	3	4000	Ames	87
Lot 18 (8/21/88)	3	4000	Ames	80
Lot 18 (12/1/88)	3	4000	Ames	87
Lot 13 (8/8/88)	3	4000	Ames	74
Lot 16 (2/17/85)	3	4000	Ames	93
Lot 19 (11/20/87)	3	4000	Ames	60
NL	3	3300	Ames	85
NL	3	2900	Ames	67
NL	3	3000	Ames	100
NL	3	3000	Ames	55
Note:				
FAV018	2	10000	Various other isolates of <i>B. anthracis</i> (N=31)	range 6-100
FAV038	2	10000	Various other isolates of	43-50 range 50-56

Book 3167, p 95

1992 I & I
Book 3234, p 20
Book 3234, p 46

1994 Vaccine
paper
Book 3234, p 82

p 91 - Book 3233

p 94 - Book 3164

p 34 - Book 3655

p 32, Book 346

1994 Vaccine
paper
(Book 3234, p 82)

p 114 - Book 4037

p 58 - Book 4383

p 83 - Book 31467

p 9 - Book 1511

p 23 - Book 2064

p 22 - Book 2064

p 19 - Book 20132

p 1 - Book 2050

b6
b7C

June 24, 1994

Senator Barbara A. Mikulski
Suite 320
Hart Office Building
Washington, D.C. 20510

Dear Senator Mikulski:

This letter is in reference to the proposed legislation by Senators Kennedy et al., that would ban discrimination on the basis of sexual orientation in the workplace. That bill should exclude from its protection those individuals whose sexual orientation (preference) is minor children. We are constantly reminded of the sexual abuse of children, although some individuals (such as those in the North American Man-Boy Love Association) would argue that there is nothing wrong with adults loving children - they would call it "consensual" - in a sexual manner. Much of the sexual abuse of children is directed at young girls by stepfathers, uncles, cousins, older brothers, "friends" of the family, even fathers. As a Catholic, I've also sadly watched as individual after individual has detailed the sexual abuse which they suffered as children at the hands of some priest. My point is this: we must not give adults who are sexually attracted to children the statutory right to be hired for jobs which place them in intimate contact with children. Such positions include, for example, camp counselor and day care worker. Imagine, if you will, the following scenario: An individual walks into a daycare center which has advertised an open position for an aide. The individual was previously arrested for molesting a child, but never convicted because the child refused to testify. The individual says to the head of the daycare facility, "I am applying for your open position. I have a masters degree in child psychology - here are my college transcripts. I love children, and I've been around them a lot in the past. Oh, by the way, my sexual preference or orientation is children, and if you don't hire me, I will sue you for discrimination against me on the basis of sexual preference or orientation." I suggest that Congress may wish to add a clause to any statutory prohibition against discrimination on the basis of sexual orientation. Such a clause would exempt pedophiles from the protection. Such a clause might read, "...except when such preference or orientation is directed toward a minor child."

Sincerely,

Bruce E. Ivins



b6
b7c

June 24, 1994

Senator Paul S. Sarbanes
SD-332
Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Sarbanes:

This letter is in reference to the proposed legislation by Senators Kennedy et al., that would ban discrimination on the basis of sexual orientation in the workplace. That bill should exclude from its protection those individuals whose sexual orientation (preference) is minor children. We are constantly reminded of the sexual abuse of children, although some individuals (such as those in the North American Man-Boy Love Association) would argue that there is nothing wrong with adults loving children - they would call it "consensual" - in a sexual manner. Much of the sexual abuse of children is directed at young girls by stepfathers, uncles, cousins, older brothers, "friends" of the family, even fathers. As a Catholic, I've also sadly watched as individual after individual has detailed the sexual abuse which they suffered as children at the hands of some priest. My point is this: we must not give adults who are sexually attracted to children the statutory right to be hired for jobs which place them in intimate contact with children. Such positions include, for example, camp counselor and day care worker. Imagine, if you will, the following scenario: An individual walks into a daycare center which has advertised an open position for an aide. The individual was previously arrested for molesting a child, but never convicted because the child refused to testify. The individual says to the head of the daycare facility, "I am applying for your open position. I have a masters degree in child psychology - here are my college transcripts. I love children, and I've been around them a lot in the past. Oh, by the way, my sexual preference or orientation is children, and if you don't hire me, I will sue you for discrimination against me on the basis of sexual preference or orientation." I suggest that Congress may wish to add a clause to any statutory prohibition against discrimination on the basis of sexual orientation. Such a clause would exempt pedophiles from the protection. Such a clause might read, "...except when such preference or orientation is directed toward a minor child."

Sincerely,

Bruce E. Ivins

279A-WF-222936-BEI -148

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On November 15, 2007, Special Agent [redacted] reviewed documents from evidence item 1B4376 described as "black briefcase w/name [redacted] written on latches, doc, notebook, files inside." The briefcase included various documents, a small spiral notebook, and a hymn book. A number of select documents were copied and will be attached to this document. Among the documents not copied were copies of documents pertaining to RMR-1029; a copy of a civil suit involving [redacted] a spiral notebook listing what appears to be mileage of a vehicle; calendars from July - October, 2001 with written notes; information pertaining to [redacted] information pertaining to a patent; information on various animal studies being conducted in U.S. Army Medical Research Institute of Infectious Diseases (USAMRIID) suites, [redacted] around the time of the anthrax mailings; prescription records BRUCE IVINS requested in 2005; copies of information previously provided to the FBI.

Brief descriptions of the documents copied and attached hereto are as follows:

Copy of the Washington Post article from July 18, 2000 "Anthrax Shots' Effect Challenged" which is critical of the vaccine.

Copy of the 'original' RMR-1029 inventory sheet listing room 115, building 1412 as the storage location.

Copy of a letter from [redacted] to BRUCE IVINS postmarked April 11, 2006 in Trenton NJ with a text of "Hello Bruce, A gift from Princeton. Enjoy the postmark. [redacted]"

Copies of calendars from September and October 2001 with notations of activities with which IVINS was involved.

Copy of the original packaging in which the "Ames" strain was shipped to USAMRIID.

Copy of a note to [redacted] LNU (writer believes this to be [redacted] [redacted] USAMRIID, security) requesting keycard access records for the period between 2/15/2002 and 04/15/2002 for IVINS, [redacted] and [redacted]

Copy of an e-mail to [redacted] in which IVINS suggests [redacted] or [redacted] may have been involved in the anthrax mailings.

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Copy of a print-out from the University of Georgia, Chemical Analysis Laboratory, containing information on the services they can provide.

Copy of a print-out from Fitzsimmons and Associates, Inc., Chemical Analysts and Consultants, containing information on the services they can provide.

Copy of an internet article from The Straight Dope.com regarding validity of handwriting analysis.

Copy of an internet article regarding validity of handwriting analysis.

Copy of an internet web site, ExpertPages.com, listing handwriting experts in Maryland.

Copy of an internet web site, www.handwritingexperts.com.

Copy of an internet web site, Expertwitness.com, listing document (handwriting, linguistics, and handwriting) experts.

Copy of a print-out from Intertek C.B., containing information on elemental analysis services they can provide.

Copy of a print-out from Northern Analytical Laboratory, Inc., containing information on the services they can provide.

Copy of an abstract titled "Wire Analysis Using Fast Fourier Transform Processing Techniques in Paper Identification Cases" from the Challenges & Changes , 17th International Symposium on the Forensic Sciences.

Copy of USA vs. Altigraci Rosario regarding forged treasury checks.

THE WASHINGTON POST

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THE FEDERAL PAGE

Anthrax Shots' Effect Challenged

Army Disputes Expert Who Reviewed Vaccine Tests

By THOMAS E. RICKS
Washington Post Staff Writer

The controversial anthrax vaccine that the Pentagon is trying to inject into 2.4 million troops does not provide complete immunity to an anthrax attack, according to an outside expert who has examined Defense Department records of laboratory tests.

Soldiers who are exposed to anthrax may become quite sick and be incapacitated for up to two weeks, even if they have received the full set of six inoculations, said George A. Robertson, a molecular biologist specializing in pharmaceuticals.

But officials at the Army's Medical Research Institute of Infectious Diseases at Fort Detrick, near Frederick, disagreed with Robertson's interpretation of the data. They said he was exaggerating the extent of illness in monkeys that were vaccinated and then exposed to anthrax under laboratory conditions.

The dispute over the degree of immunity conferred by the anthrax vaccine is just the latest in a heap of problems encountered by the 2½-year-old inoculation program.

Last week, the Pentagon announced that a looming shortage of the vaccine will force the military to cut the number of doses it administers from 75,000 to 14,000 a month. Blaming production problems at the sole maker of the vaccine, Bioport Corp. of Lansing, Mich., the Defense Department said that for the remainder of the year it will give up trying to vaccinate all troops and focus on those serving in Korea and the Persian Gulf, where the military sees the highest risk of germ warfare.

The Pentagon has expended millions of dollars and a huge amount of energy on the mass inoculations, which defense officials portray as an unfortunate but necessary response to a rising threat. The program was spurred by U.N. weapons inspectors' discovery in the mid-1990s that Iraq had tried to develop germ weapons and had stockpiled 8,000 liters of anthrax spores before the 1991 Gulf War.

So far, 450,000 members of the U.S. military have received a total of about 1.8 million anthrax vaccinations. But the program has provoked controversy within the armed forces, with about 350 service members refusing to take the vaccine out of concern about its possible side effects. Several dozen have been court-martialed, and others have been allowed to leave the military.

Robertson, an expert in biological warfare, has



BY RAY LUSTIG—THE WASHINGTON POST

Testifying at a House hearing Thursday on the anthrax vaccine program were, from left, Army Gen. Tommy R. Franks Jr., Deputy Defense Secretary Rudy de Leon, and Marine Major Gen. Randall L. West.

been analyzing Defense Department test records obtained by Mark Zaid, executive director of the James Madison Project, which seeks to reduce government secrecy. Zaid is also an attorney representing several service members who are resisting the anthrax vaccinations.

Zaid and Robertson conceded that being ill for as long as two weeks is better than dying, the likely fate of those who aren't inoculated or treated quickly with antibiotics after exposure to anthrax. But they said the Pentagon has failed to disclose publicly that the vaccine doesn't confer full immunity to the disease.

"The Defense Department is telling people that anthrax vaccination will protect them 99 percent," said Robertson, a retired Army Reserve colonel who formerly worked at the Army's Infectious Diseases Institute and is now an executive at BioReliance Corp. in Rockville. "It doesn't tell them they will be incapacitated for two weeks."

Anthrax is an acute infectious disease carried by spore-forming bacteria. It usually occurs in farm animals but can be contracted by humans through tainted meat or, more rarely, inhalation of the spores. When inhaled, it first causes cold-like symptoms and is almost always fatal within a week unless treated immediately by antibiotics.

The Pentagon's main Web site on anthrax (www.anthrax.osd.mil) seeks to reassure service members about the safety of the vaccinations but does not provide many details about the vaccine's effectiveness.

Tests on monkeys "lead us to expect that anthrax vaccine would be quite effective in preventing inhaled anthrax," it says. What it doesn't say is that some of the monkeys became very ill.

Zaid and Robertson analyzed the laboratory notebooks from one of the tests conducted on 10 immunized rhesus monkeys and a control group of five animals at the Army's infectious diseases institute.

After being fully vaccinated, the monkeys were exposed to a highly lethal dose of aerosol spray of anthrax on June 13, 1991.

"Although all vaccinated monkeys survived, they appeared to be sick over the course of two weeks," the lab report states.

Robertson noted that the monkeys sickened even though they had been given significantly larger doses of vaccine than humans receive, relative to their weight.

Col. Arthur Friedlander, a senior scientist at the institute, rejected Robertson's interpretation of the data.

"It would be a misstatement to take away from the lab notebook that immunized animals when challenged with anthrax are uniformly incapacitated," Friedlander said. "That is a gross overstatement."

He and other officials at the institute said they don't know for sure whether every animal in the 1991 test fell ill and don't think any were sick for two full weeks. In another test last year, they said, 18 of 20 immunized monkeys survived exposure, and none were sickened.

"We don't think that incapacitation of large numbers of troops would occur," said Col. Edward Eitzen, the institute's commander.

But if it turns out that even fully inoculated soldiers would be unable to fight after exposure to anthrax, the implications for U.S. military operations are enormous, said Chris Seiple, a former Marine officer who serves on a panel studying chemical and biological warfare issues at the Center for Strategic and International Studies.

In addition to the military issues of how to protect troops and respond to such an attack, Seiple said he worries about the effect on public opinion. "People have been led to believe that you can be hit with this stuff and still be mission-ready," he said. "If you had a bunch of people taken prisoner because they were sick, you'd have a loss of public confidence."

Reference Material Receipt Record

22 Oct 97

Bruce Ivins

Власов Е. А. 2010

Description:

1029

Lot No.: Not Applicable

Dugway Proving Ground
USAMRIID
Bacteriology Division

Quantity: 1000ml. Total

31 Dec 2002

Storage: -2 to -8°C in 19% phenol

From B. anthracis Ames strain, Ames Iowa ↳ room 115, B1

very good

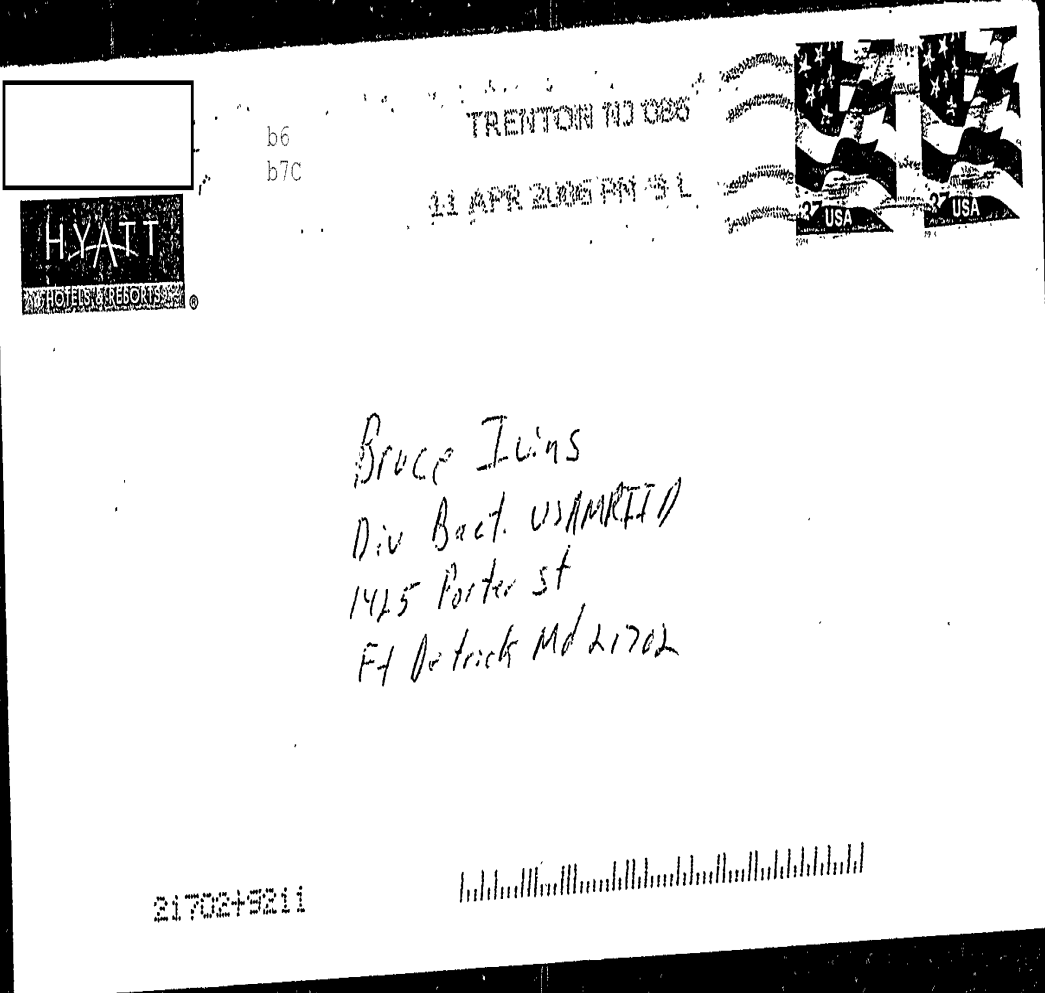
Y N

2-8°C

Comment: See USAMRIID Notebook 4010. These spores are highly purified. They are > 95% unclumped, single, refractile spores.

[illegible]

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b7C

TRENTON NJ 086

11 APR 2006 PM 5 L



Bruce I. Luns
Div Bact. USAMRIID
1415 Porter St
Ft Detrick Md 21702

21702+9211



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Hello Bruce,

*A gift from Princeton.
Enjoy the postmark.*



b6
b7c

Guinea pig active immunization experiment

Mouse active immunization experiment

September 2001

September 2001							October 2001						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					September 1 8:00pm Night Guinea pig & mouse check
					12 8:00pm Night Guinea pig & mouse check
3 8:00pm Night Guinea pig & mouse check	4 8:00pm Night Guinea pig & mouse check	5 8:00pm Night Guinea pig & mouse check	6 8:00pm Night Guinea pig & mouse check	7 8:00pm Night Guinea pig & mouse check	8 8:00pm Night Guinea pig & mouse check
					9 8:00pm Night Guinea pig & mouse check
10 8:00pm Night Guinea pig check & mouse check	11 8:00pm Night Guinea pig & mouse check	12	13	14 8:00pm Night Mouse check	15 8:00pm Night Mouse check
					16 8:00pm Night Mouse check
17	18 8:00am Trip to Covance in Denver, PA	19	20	21	22
					23
24	25	26	27	28 8:00pm Night mouse check	29 8:00pm Night Mouse check
					30 8:00pm Night Mouse check

Mouse passive immunization experiment #1

Mouse Passive immunization experiment #2

October 2001

October 2001

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

November 2001

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
October 1 8:00pm Night Mouse check	2 8:00pm Night Mouse check	3 8:00pm Night Mouse check	4 8:00pm Night Mouse check	5 8:00pm Night Mouse check	6
8	9	10	11	12	13
15	16	17	18	19	20
22	23 8:00am Trip to Covance in Denver, PA	24	25	26	27
29	30	31			

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U. S. DEPARTMENT OF AGRICULTURE
ANIMAL & PLANT HEALTH INSPECTION SERVICES
NATIONAL VETERINARY SERVICES LABORATORIES

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AMES, IOWA 50010

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UNITED STATES DEPARTMENT OF AGRICULTURE
AGR 101



Department of the Army
U.S. Army Medical Research Institute
of Infectious Diseases
Fort Detrick
Frederick, Maryland 21701

Attn:
Bacteriology Division

b6
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Amies strain

Enclosed are 2 cello tryptose slant
cultures of *B. anthracis* taken from
a primary isolation on Blood agar.
Also a Blood Agar plate - primary
isolation and not a pure culture.
There is also a section of spleen
& a copy of the Case History enclosed.
Please let us know if samples are
not in usable condition so we can
send more.

Thank you,

TVMDL

Bacteriology Dept

Hi, [REDACTED]

I have another favor to ask of you concerning looking up USAMRIID timecard entry and exit records. (I'm particularly interested in entry and exit records for the [REDACTED] and [REDACTED] biocontainment suites.) This time the period is a two-month stretch from 15 FEB 02 to 15 APR 02. Could you please ask if the data can be retrieved for the following people in my laboratory?

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- 1) Bruce Ivins
- 2) [REDACTED] was my employee and I was [REDACTED] immediate supervisor.)
- 3) [REDACTED] was a contract employee in my laboratory at the time.)

Thanks very much!!!

Bruce Ivins

[REDACTED]

Bruce.ivins@amedd.army.mil



Office of Research Services

Welcome to the Chemical Analysis Laboratory (CAL) at The University of Georgia

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Contact Chemical Analysis

Rebecca Auxier
Manager
auxier@uga.edu
Phone: (706) 542-6031
Fax: (706) 542-6038

Chemical Analysis Laboratory
University of Georgia
110 Riverbend Road,
Room 170
Athens, GA 30602

Chemical Analysis Services

- Element Analysis
 - ▶ Inductively Coupled Plasma-Emission Spectrometry
 - ▶ Inductively Plasma-Mass Spectrometry (ICP-MS)
 - ▶ Atomic Absorption/Emission Spectrometry
- Herbicide&Pesticide Analysis
- Inorganic & Total Dissolved Organic Carbon
- Carbon, Hydrogen, & Nitrogen Analysis
- Nutrient Analysis
- Other Services
 - ▶ Sample preparation
 - ▶ pH determination

Chemical Analysis Laboratory

The Chemical Analysis Laboratory offers the UGA research community state-of-the-art analytical techniques and support services, including analysis of metals, elements, nutrients, organic carbon, and cations in a wide variety of samples.

Our chemical analysis services are available worldwide and to the UGA research community. We can identify the kinds and amounts of elements in chemical compounds that are important to your research. For example:

- Heavy metals in streams and rivers;
- Composition of wood preservatives in building materials;
- Nutritional content of foods;
- Calcium in deer antlers;
- Iron and nickel in benthic samples from the Atlantic Ocean
- Toxic elements like cadmium in hand-painted Italian pottery.



Our laboratory has provided data for research in ecology, materials science, forestry, plant sciences and art, to name a few. In addition to UGA researchers, our client list includes other colleges and universities such as Harvard Medical School, Emory, the University of Alabama, Clemson, and Michigan State University.

Highly specialized instruments and experienced personnel offer excellent quality control and fast turnaround times. Our staff is available to consult with researchers on analytical procedures, sample collection, preservation, storage, and even the development of new techniques for unusual sample types. A list of the analyses we offer follows.

ELEMENT ANALYSIS

Three methods are available to detect types and concentrations of nearly all elements in the periodic table – even at trace and ultra-trace levels.

Inductively Coupled Plasma-Emission Spectrometry (ICP)

Analysis of solutions or dissolved solids

Quantitative determination of 20 to 28 elements simultaneously

Detection limits in the parts-per-million (ppm) range

Typical applications: Sample types previously processed include wooden boards, plant tissue, soils, proteins, bones, human tissue, fish, snails, clams, wastewater, and ocean water

Instrumentation: Thermo Jarrell-Ash Enviro 36 Inductively Coupled Argon Plasma spectrophotometer Inductively Coupled Plasma-Mass Spectrometry (ICP-MS)

Analysis of solutions or dissolved solids

Rapid, multi-elemental analysis capability covering most elements in the periodic table

Detection limits in the parts-per-billion to parts-per-trillion range

Requires a minimum sample of 2 ml



Typical applications: To date, our lab has used this method to analyze protein, soil, water and plant samples. Other applications include detection of trace elements in a wide variety of aqueous matrices (drinking water, river, lake and ground water, waste water and effluent, and seawater) in solids after digestion (sediment, soil, sludge, road dust, air particulate matter, plant tissue and grain, rocks and minerals, etc.) and in samples of body fluids (blood, plasma, and urine)

Instrumentation: Thermo VG Instruments PlasmaQuad 3 ICP-MS Atomic Absorption/Emission Spectrometry

Analyses of solutions or dissolved solids for the presence of one or two specific elements

Detection limits in the parts-per-million to upper parts-per-billion range

Requires a minimum sample of 25 ml

Typical applications: proteins, plants, soils

Instrumentation: Thermo Jarrell-Ash SH1000 Atomic Absorption/Emission Spectrometer

HERBICIDE AND PESTICIDE ANALYSIS

Analysis requires a 1 ml sample

Instrumentation: Finnigan/Trimetrics 9001 Gas Chromatograph

Typical applications: plant material, soils, water

INORGANIC AND TOTAL DISSOLVED ORGANIC CARBON

Determines the concentration of carbon dioxide as well as organic carbon in solution

Requires a 10 ml sample minimum

Instrumentation: O.I. Corporation Model 700 Total Organic Carbon (TOC) Analyzer

Typical applications: aquatic ecology to test the health of a body of water CARBON, HYDROGEN & NITROGEN ANALYSIS

Rapid, simultaneous determination of total carbon, hydrogen and nitrogen content of non-aqueous samples

Requires 1-3 mg of dry, ground plant or animal tissue and 200 mg of dry 18-40 mesh soils

Instrumentation: Perkin-Elmer 2400 Carbon, Hydrogen, Nitrogen Analyzer (CHN)

Typical applications: plants, soils, forestry, water, crystalline compounds, seston, complex carbohydrates, and plastics

NUTRIENT ANALYSIS

Available chemistries are ammonia, chloride, nitrite, sulfate, ortho phosphate, alkalinity, total nitrogen and total phosphorus.

Requires a 25 ml sample

Instrumentation: Braun+Luebbe Auto Analyzer II Continuous Flow System

Typical applications: water, wastewater

OTHER SERVICES

Other equipment includes a microwave digestion system, a freeze-dryer for lyophilizing tissue, and a jar mill for grinding samples for low-level metal analysis. The laboratory uses several EPA-approved and AOAC methods for preparation and analysis.

2005 Office of Research Services at The University of Georgia
A Division of the Office of the Vice President for Research (OVPR)
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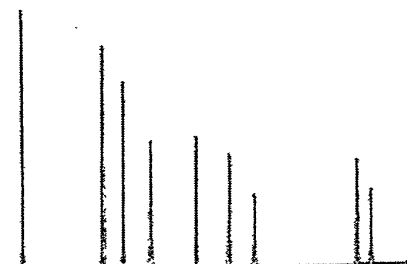
& Associates, Inc.

CHEMICAL ANALYSTS AND CONSULTANTS

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Trace Contaminants

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Detection & Identification of Trace Contaminants in Finished Products and Chemical Formulations

This laboratory has devised many unique methods to detect and isolate trace impurities in finished products such as micro circuitry and a variety of other products where trace impurities interfere with the products function. An example of this would be a very thin film of oil residue on the surfaces of micro switch contacts which prevents good electrical contact. We have the ability to identify these residues and help the client determine their source.

Chemical formulations are often found to contain low levels of impurities which render them unacceptable for use. A glass cleaner, for example, may leave an oily residue or a scouring compound may contain low levels of an abrasive chemical which can scratch or mar a porcelain surface.

We can determine trace amounts of specific fuels in soils, water or any material. Further, if a fuel contains a small amount of contaminant we will identify it and specify its content.

Trace Contaminant & Residue Analysis - Cost Range

Volatile & Semivolatile Contaminants

Determined by heated head space
sampling followed by GC/MS analysis - \$100 - 300

Surface Contaminants

Surface residues which cause poor coating
adhesion or bad electrical contact are solvent
extracted and analyzed by micro FT-IR spectroscopy. - \$150 - 300

Trace Metal Impurities

Determined by an ashing of the sample followed
by acid digestion and atomic spectroscopy analysis - \$70 - 150

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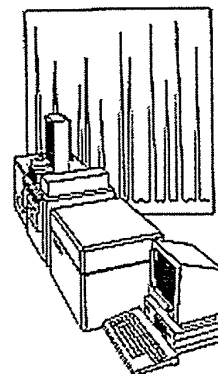
Forensic Analysis

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R.V. Fitzsimmons & Associates uses the latest State of the Art instrumentation for the detection of trace substances which provide the key information needed to solve problems ranging from malfunctions of micro circuitry to the identification of trace volatile organic residues found at suspected explosion and arson fire sites.

Micro FT-IR techniques have been perfected in this laboratory to identify trace film, powder and fiber contaminants which affect the function of electrical circuits or prevent the adhesion of paints or electroplatings to metal or plastic surfaces.

GC/MS (Gas Chromatography/Mass Spectroscopy) methods are the major tools of a good forensic laboratory. This lab has used these techniques to "fingerprint" fuels for their identification in fire site debris and chemical spill locations. Also we have perfected methods for heated head space separation of volatile and semi volatile organics for purity checks of chemicals and for detection of contaminants in food and food packaging materials.



High Performance Liquid Chromatography (HPLC) is still another method we have used to detect and identify trace contaminants in food products, body creams and lotions.

Examples of Forensic Analysis and Cost Estimate

Isolation of trace surface residues
and identification by Micro FT-IR - \$300

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Is handwriting analysis legit science?

18-Apr-2003

Dear Cecil:

What's the Straight Dope on handwriting analysis? I know that handwriting experts' testimony can be accepted in court, so there must be something to it. But I have a hard time believing that a smart criminal wouldn't be able to change his writing to avoid detection. On a related issue, can an "expert" really tell something about your personality from your handwriting (e.g., that loops in your g's and y's indicate a high sex drive)? If that were true, it would seem that one's handwriting would change from day to day, which it doesn't. --Kristin in Sausalito, California



Cecil replies:

At first this question might seem like a great opportunity to lay out the difference between science and pseudoscience. On the one hand we have forensic handwriting analysis, in which an expert decides whether two or more samples were written by the same person, e.g., whether a signature was forged. On the other we have graphology, in which some sage tries to divine a subject's personality traits from his or her handwriting. While graphology enjoys about the same prestige as palm reading, forensic handwriting analysis has helped send people to jail since the days of the Lindbergh kidnapping. But in the eyes of the law, the credibility of such analysis is on the wane. Thanks to a landmark Supreme Court ruling in the early 90s, more and more federal judges are deciding that while forensic handwriting analysis may not be quackery, it's not exactly science either.

meta-analysis of 200 scientific studies of graphology by Geoffery A. Dean (published in *The Write Stuff: Evaluations of Graphology--The Study of Handwriting Analysis*, edited by Barry L. Beyerstein and Dale F. Beyerstein, Prometheus Books, 1992) found that it was worthless as a predictor of personality. That hasn't prevented people who ought to know better from relying on it. In France, an estimated 70 percent of companies use graphology when making hiring decisions. (Between 5 and 10 percent of U.S. and UK companies do so.) Law enforcement authorities sometimes turn to graphology and kindred techniques when profiling criminals, as in the case of the D.C. sniper last fall. But such methods are often the last resort of police desperate to appear to be doing *something*. There's only one well-documented case of a bad guy actually being caught by a profile--George Metesky, the "Mad Bomber" of New York City in the 1940s and '50s--and he was nabbed less because of his handwriting than because he'd revealed too many clues about his past in a letter to a newspaper.

For a long time forensic handwriting analysis seemed more respectable, but its status has been shaky since 1993, when the Supreme Court handed down its ruling in *Daubert v. Merrell Dow Pharmaceuticals*. Previously the chief criterion for the admissibility of expert testimony had been whether it was based on techniques "generally accepted" by scientists. *Daubert* gave federal judges much greater discretion in deciding admissibility. It suggested they consider (1) whether a theory or technique can be tested, (2) whether it's been subject to peer review, (3) whether standards exist for applying the technique, and (4) the technique's error rate.

Sounds reasonable, eh? But *Daubert* created an uproar, because the dirty little secret of much so-called expert testimony was this: though it was possible in principle to test and validate most forensic techniques, in many cases *no one had ever done so*. In 2002 one judge even restricted testimony based on fingerprint analysis, saying he was unconvinced the technique was a science rather than a mix of craft and guesswork.

No forensic technique has taken more hits than handwriting analysis. In one particularly devastating federal ruling, *United States v. Saelee* (2001), the court noted that forensic handwriting analysis techniques had seldom been tested, and that what testing had been done "raises serious questions about the reliability of methods currently in use." The experts were frequently wrong--in one test "the true positive accuracy rate of laypersons was the same as that of handwriting examiners; both groups were correct 52 percent of the time." The most basic principles of handwriting analysis--for example, that everyone's handwriting is unique--had never been demonstrated. "The technique of comparing known writings with questioned documents appears to be entirely subjective and entirely lacking in controlling standards," the court wrote. Testimony by the government's handwriting expert was ruled inadmissible.

Prosecutors scrambling to find scientific validation for handwriting analysis last year touted a study by Sargur Srihari, a professor of computer science at the State University of New York at Buffalo. Srihari subjected 1,500 writing samples to computer analysis. Conclusion: In 96 percent of cases, the writer of a sample could be positively identified based on quantitative features of his handwriting such as letter dimensions and pen pressure. Skeptics objected that lab results using a computer prove nothing about what a human can do in the real world, and who can argue? If expert testimony is going to send people up the river, it better be more than

The 'Straight Dope: Is handwriting analysis legit science?
some mope's prejudices dressed up as science.

CECIL ADAMS

[[Comment on this answer](#)]

Cecil Adams can deliver the Straight Dope on any topic. Write Cecil at cecil@chicagoreader.com.

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LIMA: Forensic Handwriting Analysis

Handwriting analysis has the unusual distinction of being an area of interest in both literature departments and forensic science. Professional forensic document examiners have produced a very substantial body of work, of which I only scratch the surface. Book length introductions to forensic document examination include:

- Wilson R. Harrison, *Suspect Documents: Their Scientific Examination*, 2nd edition (London, 1966)
- Roy A. Huber and A. M. Headrick, *Handwriting Identification: Facts and Fundamentals* (Boca Raton, FL, 1999)
- Ron Morris, *Forensic Handwriting Identification: Fundamental Concepts and Principles* (London, 2000)
- An extensive **Bibliography of Forensic Handwriting Analysis** is available online. This was produced by Tom Davis, who is both an academic in the English Department of Birmingham University, and a professional document examiner.

One issue that forensic handwriting analysts often confront is the possibility of **forgery**.

LEVELS OF PROOF AND THE RELIABILITY OF HANDWRITING ANALYSIS

Comparing samples of handwriting does not necessarily give a straightforward unambiguous result. Uncertainties about what may be a style characteristic, the quality of the samples, and the likely degree of variation, means there is often a degree of uncertainty. So how fallible is handwriting analysis?

Handwriting analysis comes under scrutiny when it is used as evidence in court. Tom Davis has written an article on **Forensic Handwriting Analysis in Britain**, which describes the level of care in accumulating and presenting evidence, and attention to wording in summarising conclusions, which is demanded of the expert witness.

More systematic attention has been paid to the methodological basis of handwriting analysis in the USA, where in 1993 the Supreme Court handed down its decision in *Daubert v. Merrell Dow Pharmaceuticals*, which set new criteria for the admissibility of scientific evidence, later expanded to include all expert opinion testimony. The Supreme Court formulated a set of factors about proposed testimony that a presiding judge should consider in order to determine "the scientific validity and thus the evidentiary relevance and reliability of the principles that underlie a proposed submission." These factors include:

1. Whether the theory or technique can be and has been tested.
2. Whether the theory or technique has been subjected to peer review and publication.
3. The known or potential rate of error.
4. The existence and maintenance of standards controlling the technique's operation.
5. Whether the theory or technique is generally accepted within the relevant scientific community.

Evidence must be shown to meet these criteria before it can be presented in court. The ruling placed considerable pressure on handwriting analysis to prove that it was a genuine form of expertise according to the Daubert criteria.

Some years previous to the Daubert ruling, D. Michael Risinger, Mark P. Denbeaux, and Michael J. Saks published an article with the striking title, 'Exorcism of Ignorance as a Proxy for Rational Knowledge: the Lessons of Handwriting Identification "Expertise"', *University of Pennsylvania Law Review*, 137 (1989), 731-92. It accused handwriting analysis of being a pseudo-expertise, its practitioners of being reluctant to allow their work to be tested independently, and of failing to show an acceptable level of accuracy in the few empirical studies that had taken place.

Handwriting analysts have responded to these challenges in a number of ways. There have been further tests on the reliability of analysts' conclusions. An interesting study highlights the problem of false matches: Moshe Kam, Gabriel Fielding, Robert Conn, 'Writer Identification by Professional Document Examiners', *Journal of Forensic Sciences*, 42 (1997), 778-86. Kam et al. conducted a test on both professionally trained handwriting analysts, and a control group. The study revealed a statistically significant difference in preponderance to make type-I errors (false matches). *All groups performed roughly equally in detecting matches, doing so about 88 per cent of the time; however the wrong association rate of non-professionals was about 38 per cent - compared to under 7 per cent among professionals.* This difference may well be linked to the methodological difference noted before: professionals start by looking for differences

between samples, non-professionals tend to base their conclusions on similarities. We would do well to bear these results in mind when assessing published analyses.

Another interesting recent development, and one that gives support to its objective testability, is the development of computer technologies for handwriting analysis (known as FISH), which are based on the fact that a unique set of algorithms can be generated by performing certain measurements on an individual's handwriting. Work on handwriting individuality has been done by The Center for Excellence in Document Analysis and Recognition (CEDAR), and their findings can be found on their website, where you can even try out a Handwriting Verification Test. CEDAR claim that their computerised analysis can correctly identify an individual's handwriting with 98% accuracy when there is an adequate sample.

There has not been a consistent decision by judges over whether handwriting analysis meets the Daubert criteria. Some judges, such as in a 1999 ruling in Massachusetts (this and other case reports are found on www.forensic-evidence.com), have allowed testimony about (dis)similarity, but not conclusions about authorship. The Mass. judge noted that because an individual's handwriting varies each time he or she writes (unlike, say, a fingerprint), analysis depends on a judgement of similitude that is ultimately subjective. Although an expert's experience makes them better qualified than a lay-person to find similarities, this expertise did not give them any additional qualification to make the next step - identification of authorship. This was therefore left to the jury. The judge did not accept that studies such as Kam's have 'established the validity of the field'.

Other rulings, however, have given greater credence to recent studies of handwriting analysis and seen greater significance in the extensive professional training of expert analysts, and so many judges have accepted that the discipline meets the Daubert criteria. The expertise of those who have attempted to discredit handwriting analysis (eg Risinger, Denbeaux and Saks, none of whom are themselves trained in handwriting analysis) has also come into question. For example see a 1999 case report, and especially the 2002 'Prime', and the similar 2003 'Thornton' cases.

THE RELEVANCE OF FORENSIC ANALYSIS TO SCHOLARLY ANALYSIS

Since the vast majority of work on handwriting analysis comes from the forensic field, it is clearly useful for anyone dealing with questioned handwriting to have some awareness of forensic work. However there are significant differences between the fields.

For example, forensic document examination has considerably more resources available than does research in the humanities, and few of those who publish on handwriting in the humanities can be considered professional analysts. The levels of rigour found in forensics could not possibly be sustained in the research environment of the humanities.

More important still is the difference in the burden of proof. In the Anglo-American criminal justice system, proof must be established beyond reasonable doubt, but can we really expect a bibliographer, historian, or literary scholar be expected to meet the same criteria of proof? There is a great deal more at stake in a criminal case than in an academic article, so it is surely reasonable to expect more rigorous demands. No-one goes to prison on the basis of a badly argued academic article.

Scholarship in the humanities does not proceed on the basis of establishing its claims to the non-specialist beyond reasonable doubt; it is rather a matter of positing a viable hypothesis to a specialist audience, to whom it will be accepted in the absence of any viable alternative. This demands a lower level of proof. A classic example is the general (but not universal) acceptance of "Hand D" as Shakespeare's. This would not stand up in a law court, but with the support of other (also inconclusive) lines of evidence, and in the absence of a more convincing alternative, it has been sufficient to convince a majority of the scholarly community.

It is reasonable to accept - cautiously - a scholarly identification of handwriting which depends on a balance of probability. However the scrutiny which forensic analysis has undergone should help us to maintain a healthy scepticism about handwriting identification, especially when a document is simply asserted as being in a given person's handwriting without the basis of this identification being made clear.


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- ICP/OES: Optical Emission Spectrometry, ICP-OES, ICPOES
- ICP/MS: Mass Spectrometry, ICPMS, ICP-MS
- GC/ICP/MS: Gas Chromatography Inductively Coupled Plasma Mass Spectrometry, GC-ICP-MS, GCICPMS
- XRF: X-Ray Fluorescence Spectrometry
- AAS: Atomic Absorption Spectrometry, AA
- Automated combustion techniques
- Pyrolysis
- Infra red detectors
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- Alkali Earths, Alkali Metals
- Aluminium
- Arsenic
- Boron
- Bromine
- Cadmium
- Carbon
- Chloride
- Chromium
- Copper, Gold
- Halogens
- Hydrogen
- Iron
- Iodine
- Lead
- Lithium
- Mercury, Mercury Species
- Metals
- Nitrogen, Nitrogen Species
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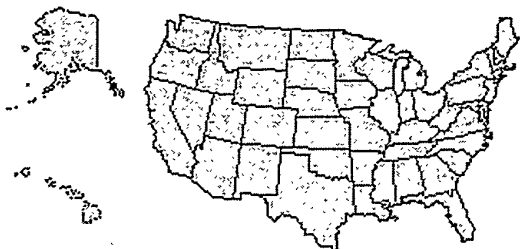
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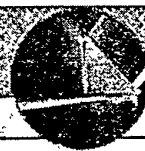
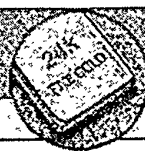
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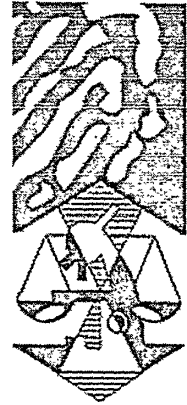
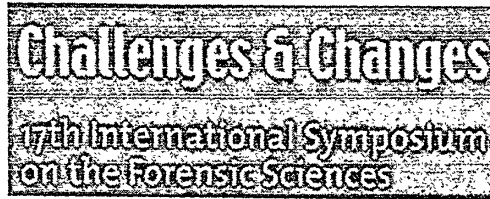
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Wire Analysis Using Fast Fourier Transform Processing Techniques in Paper Identification Cases.
Mr. Neil Holland (*Scientific Document Services Pty. Ltd., Australia*)
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The methods for physical paper testing and the chemical analysis of paper are well documented throughout the literature when examining paper involved in forensic cases. Within this literature the use of X-rays, Beta Rays, Oblique and Transmitted light can provide the examiner valuable information about paper formation and in particular about surface and fiber characteristics of the paper. A study of the wire marks where visible can provide additional information but in those papers where they are difficult to examine, the use of a technique to capture and process the images to reveal the wire marks can be extremely beneficial. Initially images of the paper formation are captured using oblique light or Beta Ray (preferred) techniques and the resultant images are scanned and then processed using Fast Fourier Transform (FFT) analysis. This technique allows for the pattern of the wire marks to be captured and the resultant Power Spectrums (frequency domain) can be compared with control samples from known sources (mills) or compared to other paper exhibits. The Power Spectrum (frequency domain) and the inverse (retransformation) patterns can be compared to distinguish papers produced on different wires thus differentiating the papers. Conversely the results may provide additional information that may establish that two or more papers are indistinguishable.

Filed July 10, 1997

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 96-5286

UNITED STATES OF AMERICA

v.

ALTIGRACI ROSARIO

Appellant.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

(D.C. Criminal No. 95-cr-00277)

ARGUED JANUARY 23, 1997

BEFORE: NYGAARD and LEWIS, Circuit Judges

and COHILL, * District Judge.

(Filed July 10, 1997)

Michael V. Gilberti, Jr.

(ARGUED)

Bennett & Leahey

321 Broad Street

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Attorney for Appellant

onorable Maurice B. Cohill, United States District Judge for the
estern District of Pennsylvania, sitting by designation.

evin McNulty

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Trenton, NJ 08608

Attorneys for Appellee

OPINION OF THE COURT

LEWIS, Circuit Judge.

Altigraci Rosario challenges her conviction on two counts
of passing United States Treasury checks in violation of 18
U.S.C. § 510(a). Of primary importance on appeal is
Rosario's challenge to the sufficiency of the evidence with
regard to Count 1 of the indictment. We must decide
whether a conviction for passing a treasury check can be
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5/10/2005

sustained based solely on evidence establishing that the defendant possessed the check and that it was "probable" that the defendant had signed the check. We conclude that it can and will affirm.

I.

Altigraci Rosario operated a tax preparation service in Hightstown, New Jersey. Jose Rios, Rosario's nephew by marriage, was employed by Rosario and assisted with her tax preparation service. In February 1993, the U.S.

Treasury Department mailed a Treasury check to Angel and Ana Andrade in the amount of \$2,996.00. Soon thereafter, the Andrades filed a complaint with the Treasury Department alleging that they had not received the check.

On January 11, 1994, the New Jersey National/ Corestates Bank notified the U.S. Secret Service that Jose Rios had deposited the Andrade check into his account at the bank. That same day, the Secret Service interviewed

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Rios. During the interview, Rios stated that Rosario had given him the signed check and asked him to cash it. Rios apparently received a \$20 fee for executing the transaction.

In September 1993, the U.S. Treasury Department mailed

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tax refund check to Ivan Vitiello in the amount of \$1,943.03. Subsequently, Vitiello filed a complaint with the Treasury Department alleging that he had not received the check. In his complaint, Vitiello identified Altigraci Rosario as his tax preparer. Vitiello stated that he had authorized Rosario to have the check delivered to her post office box, but he had not authorized her to cash the check.

On May 4, 1994, a U.S. Postal Inspector confirmed that Vitiello's check had been delivered to a post office box registered to Altigraci Rosario and Jose Rios. That same day, the Vitiello check was cashed at Reed's Garage in Cranbury, New Jersey. Employees of Reed's Garage informed the government that Rosario and Rios had cashed the Vitiello check. Sometime later, the government identified Rosario's fingerprint on the check.

On November 18, 1994, the government filed a two-count misdemeanor complaint against Rosario, charging her with negotiating two checks bearing forged endorsements in violation of 18 U.S.C. § 510(a) and § 510(c). Count 1 of the indictment related to the Andrade check and Count 2 related to the Vitiello check. After a one-day jury trial, Rosario was convicted on both counts.¹

At trial, Angel and Ana Andrade testified that they had never met Rosario, used her service or authorized her or anyone else to endorse their check. Rios, the prosecution's chief witness, testified that Rosario had given him the Andrade check, which had been endorsed, along with a form of identification of the payee. Rosario asked Rios to cash the check, informing him that the payee did not have a bank account and therefore could not cash the check. (Apparently, Rios had a substantial amount of cash in a safe in the office due to a \$20,000 personal injury settlement.)

1. Because Rosario does not challenge the sufficiency of the evidence with regard to Count 2, relating to the Vitiello check, we will not discuss the proof offered at trial with regard to that count.

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Rios further testified that he had not met the persons whom Rosario told him had given her the check. Indeed, Rios stated that he "didn't even see the people." App. at 47A. According to Rios, he took the Andrade check from Rosario, photocopied the identification and gave Rosario the cash, less a \$20 fee. Rios stated that he did not actually see

Rosario hand the cash over to any person who might be associated with the check, but that he did see her "talking to someone." App. at 49A.

Finally, Rios testified that after the bank informed him that the Andrade check had been reported stolen, he looked for the photocopy that he had made of the identification but could not find it. When he informed Rosario about the check, Rios acknowledged that she seemed "genuinely surprised" that the check had been reported stolen. App. at 54A.

The government supplemented the testimony of Rios with the testimony of a handwriting expert, Secret Service document examiner Jeffrey Taylor. After comparing the signature for Ana Andrade that appeared on the check with a known sample of Rosario's handwriting, Taylor testified that Rosario "probably" had forged the check herself -- that is, it was "more likely than not" that she had done so.

Essentially, the testimony of Rios, Taylor and the Andrades constituted the entirety of the government's case on Count 1 of the indictment.

After the jury rendered its verdict, Rosario filed a Rule 29 motion for judgment of acquittal on Count 1 with the

magistrate judge, arguing, inter alia, that the evidence was insufficient to sustain a conviction.² The magistrate judge denied Rosario's post-trial motions. See United States v. Rosario, Crim. No. 94-5050K-01 (D.N.J. May 9, 1995).³ On June 2, 1995, the magistrate judge sentenced Rosario to eight months in prison on both counts to be served

2. Rosario also moved for a new trial on both counts based upon the magistrate judge's allegedly erroneous ruling on her motion in limine.

3. The magistrate judge had jurisdiction to serve as trial judge over Rosario's trial pursuant to 18 U.S.C. § 3401, which allows a magistrate judge to try and sentence persons accused and convicted of misdemeanor offenses.

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concurrently.⁴ At the time of sentencing, Rosario was already serving a one-year sentence for an unrelated bribery conviction.

Rosario then appealed the magistrate judge's decision to the district court pursuant to 18 U.S.C. § 3402.⁵ The district court affirmed Rosario's conviction and sentence in all respects. See United States v. Rosario, Crim. No. 96-277 (D.N.J. April 3, 1996). On this appeal, Rosario's primary

challenge to her conviction is that the evidence offered at trial was insufficient to support the jury's conviction on Count 1.6

The district court had jurisdiction over the criminal proceedings pursuant to 18 U.S.C. § 3231. We have jurisdiction over the appeal pursuant to 28 U.S.C. § 1291.

II.

Our review of a sufficiency of the evidence challenge is guided by strict principles of deference to a jury's verdict.

United States v. Anderskow, 88 F.3d 245, 251 (3d Cir.), cert. denied, 117 S. Ct. 613 (1996). We must view the evidence in the light most favorable to the government and must sustain a jury's verdict if "a reasonable jury believing

4. Rosario was also ordered to pay restitution in the amounts of \$2,996.00 and \$1,934.00 to the victims and to pay aggregated special assessments of \$50.00.

5. That statute provides:

In all cases of conviction by a United States magistrate an appeal of right shall lie from the judgment of the magistrate to a judge of the district court of the district in which the offense was committed.

18 U.S.C. § 3402.

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6. Rosario also raises again the argument that the magistrate judge erred by denying her motion in limine to exclude the admission of her prior bribery conviction. We decline to address the merits of the magistrate's in limine ruling because, by not testifying at trial, Rosario has failed to preserve this issue for appeal. See Luce v. United States, 469 U.S. 38 (1984) (holding that in order to raise and preserve for review the claim of improper impeachment with a prior conviction, a defendant must testify); United States v. Moskovits, 86 F.3d 1303, 1305-06 (3d Cir. 1996) (same), cert. denied, 117 S. Ct. 968 (1997).

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the government's evidence could find beyond a reasonable doubt that the government proved all the elements of the offenses." United States v. Salmon, 944 F.2d 1106, 1113 (3d Cir. 1991). Accordingly, "[a] claim of insufficiency of the evidence places a very heavy burden on the appellant." United States v. Coyle, 63 F.3d 1239, 1243 (3d Cir. 1995).

Rosario was convicted of check forgery under 18 U.S.C.

§ 510(a)(2), which provides:

(a) Whoever, with intent to defraud--

....

(2) passes, utters, or publishes, or attempts to pass,

er, or publish, any Treasury check or bond or
security of the United States bearing a falsely made or
forged endorsement or signature;

shall be fined under this title or imprisoned not more
than ten years, or both.

8 U.S.C. § 510(a)(2).

At trial, the magistrate instructed the jury that, under
the statute, the government was required to prove the
following elements beyond a reasonable doubt:

(1) that the defendant passed or attempted to pass a

U.S. Treasury check,

(2) that the check bore a forged or falsely made
endorsement,

(3) that the defendant passed the check with intent to
defraud, and

(4) that the defendant acted knowingly and willfully.

Rosario, Crim. No. 94-5050K-01, slip op. at 7.

Rosario contends that the government failed to meet its
burden on elements (2), (3) & (4). Specifically, she argues
that Rios's testimony establishing that she possessed the
check was insufficient to corroborate the testimony of the

handwriting expert that she probably forged the check.

As noted earlier, Taylor testified that it was "probable" that Rosario had forged the check. "Probable" is a term of

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art used by Secret Service document examiners. The "probable" category falls exactly in the middle of the six-point spectrum between "positive identification" and "positive elimination." Thus, handwriting experts will use the term "probable" to describe

times when the evidence falls considerably short of the "virtually certain" category and yet still points rather strongly toward the suspect, i.e., there are several significant similarities present between the questioned and known writings, but there are also a number of irreconcilable differences and the examiner suspects that they are due to some factor but cannot safely attribute the lack of agreement to the effect of that factor.

Thomas V. Alexander, Definition of Handwriting Opinions, App. at 37A.

The government concedes that Taylor's testimony alone would be insufficient to sustain a conviction under § 510(a).

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The government argues, however, that Taylor's testimony that Rosario probably forged the check, coupled with Rios's testimony that Rosario had given him the check, would allow the jury to make the inference that Rosario had forged the check. Moreover, according to the government, once the jury concluded that Rosario had forged the check, it could logically conclude that she had done so knowingly and willfully and with intent to defraud. We agree. By establishing that Rosario possessed the check, and thus had the opportunity to forge it, the government provided validation for Taylor's testimony that Rosario had probably forged the check.⁷

7. Once the jury was provided with enough information to conclude that Rosario had forged the check, it certainly could have inferred that she acted knowingly and willfully and with the intent to defraud. Of course, the requisite state of mind elements only follow if the jury believed that Rosario did, in fact, forge the check. See, e.g., United States v. Hall, 632 F.2d 500, 503 (5th Cir. 1980) (holding that once forgery was established, inferences of knowledge and unlawful intention followed). Given the Andrades' testimony that they did not know Rosario nor authorize her to endorse the check, the jury could have assumed that Rosario forged the

endorsement of the check with the requisite intent to defraud.

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In reaching this conclusion, we are persuaded by the reasoning put forth in United States v. Richardson, 755 F.2d 685 (8th Cir. 1985) (per curiam) and United States v. Rivamonte, 666 F.2d 515 (11th Cir. 1982) (per curiam). In both Richardson and Rivamonte, as here, the handwriting expert's testimony established only that it was "probable" that the defendant had forged the check.

In Richardson, the court upheld a check forgery conviction challenged on insufficiency grounds. The handwriting expert testified that Richardson had "probably" signed the check. This testimony was supplemented by evidence that Richardson had access to a key to the victim's home, that she had made a deposit in the exact same amount as the stolen check, and that her fingerprints were on the stolen check. In upholding the conviction, the court concluded that this was "ample evidence to support the verdict." Richardson, 755 F.2d at 686.

Similarly, in Rivamonte, the court upheld a check forgery conviction based on the following evidence: a handwriting expert's testimony that the defendant had "probably" signed

the check; the defendant's fingerprints were on the check; the defendant's account number was written on the back of the check; and the payees' names were written on the defendant's pre-encoded deposit slip. Rivamonte, 666 F.2d at 516-17. The court held that "a jury reasonably could conclude that this evidence is inconsistent with every reasonable hypothesis of appellant's innocence." Id. at 517.

Although in Richardson and Rivamonte the government offered slightly more circumstantial evidence than was offered at Rosario's trial, we are nevertheless convinced that the evidence establishing that the respective defendants had possessed the check was of primary significance in those cases. Our conclusion is bolstered by the Eleventh Circuit's post-Rivamonte decision in United States v. Henderson, 693 F.2d 1028 (11th Cir. 1982). In Henderson, the court reversed a check forgery conviction based solely on ambiguous handwriting testimony and evidence showing that the defendant's wife had cashed the stolen check. The government offered no evidence that Henderson had ever possessed the check. Distinguishing Rivamonte, the court noted:

Although both Rivamonte and the present appeal had handwriting experts testify that the respective defendants "probably" endorsed the checks, the additional evidence in Rivamonte constituted sufficient evidence to sustain a conviction. The fingerprints and the defendant's account number support the conclusion drawn by the handwriting expert in Rivamonte.

Henderson, 693 F.2d at 1032.

Here, although Rosario's fingerprints were not found on the check, Rios's testimony established that Rosario was in possession of the check. Thus, Rios's testimony that Rosario possessed the check provided the same corroboration for the handwriting expert's testimony that the fingerprint evidence in Rivamonte and Richardson did.

See also United States v. Chatman, 557 F.2d 147, 148 (8th Cir. 1977) (per curiam) (upholding check forgery conviction because accessibility of payee's mailbox to defendant provided corroboration for less than conclusive expert handwriting testimony).

In our view, because the evidence established that Rosario did, in fact, possess the check, the jury could have

ed that fact to corroborate the handwriting expert's testimony that she had probably forged the signature on the check. While neither of these factors independently could be sufficient to support a conviction, taken together they are sufficient to support the jury's guilty verdict.⁸

8. We are not persuaded by Rosario's attempt to characterize Rios's testimony as "exculpatory" for her. Using Rios's testimony, Rosario implies that she merely unknowingly passed the forged check to Rios and then passed along the cash to the person or persons who brought in the check. Rosario finds further support for her theory from Rios's testimony that she was "genuinely surprised" when he reported that the check was stolen.

As the district court pointed out, however, the jury was not required to believe that Rosario made any of the arguably exculpatory out-of-court statements to Rios. Rosario, Crim. No. 96-277, slip op. at 6. And, in any event, the statements she relies on are not inconsistent with guilt.

Simply stated, the jury had no reason to believe that Rosario was being truthful with Rios. Indeed, the jury could have just as well believed that

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Finally, we acknowledge that this is a close case. Indeed, were we sitting as triers of fact, we very well may have come

to a different conclusion than the jury did here.

Nevertheless, we cannot say that there was insufficient evidence to support the jury's verdict. Accordingly, we affirm Rosario's conviction.

Rosario's statements to Rios served to deceive him into believing that she had unwittingly passed the forged check. After all, it certainly served Rosario's interests for Rios to believe the check transaction was legitimate because Rios may have been less willing to cash the check had he known it was stolen.

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NYGAARD, Circuit Judge, dissenting.

The government argues that the combination of wholly ambiguous testimony from a handwriting expert and equivocal testimony from a witness receiving favorable treatment from the government is sufficient to support the conviction of Altigraci Rosario for passing a United States Treasury check. The majority accepts this argument. I do not; hence, I dissent.

To convict Rosario of check forgery under 18 U.S.C.

§ 510(a)(2), the government was required to prove four elements beyond a reasonable doubt: (1) that the check

was a U.S. Treasury check; (2) that the check bore a forged or falsely made endorsement; (3) that Rosario passed the check with intent to defraud; and (4) that Rosario acted knowingly and willfully. There was no direct evidence adduced at trial to satisfy the government's burden on elements (2), (3) and (4). Recognizing this, the government nonetheless asks us to cobble together a series of inferences to support the jury's verdict. It argues that, taken collectively, the testimony of Taylor, the handwriting expert, and Rios, the man who negotiated the stolen check, are sufficient to permit the jury to infer that Rosario forged the check. Building on this inference, it then claims that the jury could draw the further inferences that Rosario possessed the requisite knowledge, willfulness and intent to defraud necessary to satisfy the remaining elements of the charged offense. In my view, these "inferences" do no more than permit the jury to speculate that Rosario is guilty, especially in light of the weak testimony from which these inferences are drawn.

Jeffrey Taylor, the government's handwriting "expert," could only testify that Rosario "probably" signed the name "Ana Andrade" to the back of the Andrades' check. The trial

record shows, however, that Taylor's testimony was even more ambiguous. Indeed, under cross-examination Taylor conceded that there were a number of "irreconcilable differences" between the Ana Andrade signature on the check and Rosario's sample signature. App. at 35A. Moreover, Taylor candidly admitted that there was "some doubt" in his mind as to whether Rosario signed Ana Andrade's name on the check. App. at 35A-36A.

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Significantly, Taylor also acknowledged on direct examination that he "found no evidence that [Rosario] wrote the remaining signature [Angel Andrade's] on that check." App. at 32A. Taylor's concessions make his already equivocal conclusion that Rosario "probably" forged Ana Andrade's name on the check even less reliable. I would conclude that inferences drawn from such clearly ambiguous testimony cannot possibly satisfy the government's burden of establishing beyond a reasonable doubt that Rosario forged Ana Andrade's signature on the check.

Recognizing the inherent weakness of Taylor's vague opinion, the government would have us rely on the

testimony of Rios for support that Rosario forged the check.

Rios's testimony, it argues, establishes that Rosario both possessed and had the opportunity to forge the check, thereby allowing the jury to infer that Rosario did, in fact, forge Ana Andrade's signature on the check. By presenting evidence that Rosario possessed the check and had the opportunity to sign it, the government contends that it provided validation for Taylor's equivocal opinion that Rosario probably forged the check. In support of its argument, the government relies primarily on two cases where courts affirmed forgery convictions based in part on testimony from a handwriting expert indicating that the defendant had "probably" forged the stolen check. See United States v. Richardson, 755 F.2d 685 (8th Cir. 1985) (per curiam); United States v. Rivamonte, 666 F.2d 515 (11th Cir. 1982) (per curiam).

In my view, however, reliance on Richardson and Rivamonte is imprudent for a number of reasons. First, notwithstanding the assertion that the government offered only "slightly" more circumstantial evidence in Richardson and Rivamonte than that adduced here, Maj. Opinion at 8, the records in those cases demonstrate that there was

ample evidence tending to establish all elements of those check forgery convictions.

For example, in Richardson, the court affirmed a check forgery conviction where the handwriting expert's testimony was complemented by evidence showing that Richardson had a key to the home where the check was stolen,

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Richardson's fingerprints were found on the stolen check, a stolen deposit slip was used to cash the check, and Richardson had made a deposit in the exact same amount as the stolen check during the time period in which the stolen check was cashed. 755 F.2d at 686.

Similarly, in Rivamonte, the court affirmed a check forgery conviction where the expert's opinion was complemented by evidence showing that Rivamonte's fingerprints and palmprints were found on the check, the defendant's account number was written on the back of the check, the payee's names were written on Rivamonte's pre-encoded deposit slip, and a deposit was made in the defendant's account on the same day that the stolen check was negotiated. 666 F.2d at 516-17.

In each case, the government proffered strong

circumstantial evidence specifically related to the respective defendants' possession of the stolen checks, their intent to defraud and their states of mind. Such was not the case here; where the government, lacking sufficient evidence to establish any of these elements beyond a reasonable doubt, was forced to ask the jury to speculate that Rosario forged the check, passed the check with intent to defraud, and acted with requisite knowledge and willfulness.

I do not believe we can contort Richardson and Rivamonte to support the proposition that testimony from a handwriting expert indicating that a defendant "probably" forged a stolen check in conjunction with evidence showing possession of the stolen check by the defendant constitutes sufficient evidence to affirm a conviction under 18 U.S.C. § 510(a)(2). Simply stated, there is no such baseline position established in the case law. Instead, Richardson and Rivamonte suggest that an "expert" opinion that the defendant probably forged the check, coupled with sufficient additional circumstantial evidence demonstrating possession, willfulness, knowledge and intent to defraud, is necessary before a conviction will be affirmed.

United States v. Hall, 632 F.2d 500 (5th Cir. 1980), is not

to the contrary. In Hall, the court held that once forgery is conclusively proven, inferences of fact regarding possession, intent and knowledge can be permissibly drawn by the

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government. Id. at 502. The handwriting expert in Hall, however, provided an unequivocal opinion that the defendant had forged the payee's name on the stolen check, thereby providing the government with conclusive factual proof of the forgery element of the offense from which inferences tending to establish the other elements of the offense could be drawn. Id. Here, in contrast, the government has offered only ambiguous, inconclusive testimony regarding the forgery element of the offense. As such, there is no conclusively proven fact of forgery from which the government could draw inferences tending to establish the other elements of the offense of conviction.

My interpretation of the case law is supported by the post-Rivamonte decision in United States v. Henderson, 693 F.2d 1028 (11th Cir. 1982), which, in my view, does not bolster the government's argument. In Henderson, the court reversed a check forgery conviction based on ambiguous handwriting testimony and circumstantial evidence tending

to show that the defendant's wife had cashed the stolen check. In reaching its decision, the court reasoned as follows:

Although it is apparent that someone endorsed Mr. Moore's signature on the back of the treasury check, the evidence was not sufficient for a fair jury to conclude beyond a reasonable doubt that Mr. Henderson was the endorser. The evidence, because it was circumstantial required that the jury draw an inference that because Ms. Henderson used the defendant's car to cash the check, and because Ms. Henderson did cash the check, the defendant must have signed the check. This simply does not follow. It is unreasonable to infer Mr. Henderson's guilt based upon the actions of his wife. Yet, it is apparent from the evidence that there was little else upon which to base a conviction. . . . Although circumstantial evidence is testimony to the surrounding facts and circumstances of the point at issue, they must at some point connect, to allow the trier of fact to draw the inference that the fact asserted is true.

Id. at 1031 (internal citation omitted). The court then

proceeded to distinguish Rivamonte on the basis of the

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strength of the additional evidence offered by the government in that case. As the Henderson court concluded: "In the present case, the additional evidence, together with the handwriting expert's 'probable' testimony, is not sufficient." 693 F.2d at 1032. Significantly, there is nothing in the Henderson decision to suggest that the court viewed the failure of the government to produce evidence showing that Mr. Henderson possessed the stolen check as determinative of the sufficiency of the evidence. Rather, the Henderson court reviewed the proffered evidence in its entirety and determined that there was insufficient evidence supplementing the ambiguous handwriting testimony to permit a reasonable jury to conclude beyond a reasonable doubt that Mr. Henderson was guilty of the offense of conviction.¹

Notwithstanding the absence of any legal precedent for its conclusion that ambiguous handwriting evidence coupled with evidence of possession constitutes sufficient evidence to affirm a conviction under § 510(a), the government speciously reasons that Rosario's conviction

was proper because Rios's testimony that Rosario possessed the check provided the same corroboration for the handwriting expert's testimony that the fingerprint evidence in Rivamonte and Richardson did. What this bit of forensic gymnastics neglects to explain, however, is that the government's fingerprint expert was unable to identify any finger or palm prints belonging to Rosario on the Andrade check. App. at 42A-43A. Thus, the government was forced to rely on Rios's testimony as the "equivalent" of fingerprint evidence precisely because there was no fingerprint evidence available to support the conclusion that Rosario forged Ana Andrade's name on the back of the stolen check. Rather than lend credibility to the ambiguous handwriting testimony offered in this case, the government's reliance on Rios's testimony highlights the dearth of evidence offered by the government to meet its burden of proof. Simply stated,

1. The majority correctly states that in Henderson the government offered no evidence that Mr. Henderson had ever possessed the stolen check. Maj. Opinion at 8. I note, however, that the government similarly failed to offer any evidence specifically relating to Mr. Henderson's intent to defraud, knowledge or state of mind.

aside from Rios's testimony the government failed to adduce any additional evidence to validate Taylor's equivocal conclusion that Rosario signed the stolen check. Lacking further additional evidence like that offered in the Rivamonte and Richardson cases (e.g., fingerprints, palmprints, pre-coded deposit slips), I fail to understand how Rios's testimony could possibly transform Taylor's ambiguous conclusion into factual proof sufficient to establish Rosario's guilt beyond a reasonable doubt.

Finally, I am concerned because parts of Rios's testimony directly contradict inferences that the jury was supposed to have drawn from Rios's testimony. For instance, on cross-examination Rios testified that Rosario did not know that the check was stolen. App. at 52A. Such testimony clearly undercuts the idea that the jury could infer that Rosario had the requisite knowledge and intent to defraud necessary to support a conviction under § 510(a)(2).

Moreover, it also puts the majority in the awkward position of relying on Rios's testimony in order to bolster the inferences that Rosario possessed and forged the stolen check, but ignoring Rios's testimony in order to draw the

erences that Rosario had the requisite knowledge and
ate of mind necessary to support her conviction. Such
consistencies further reinforce my conclusion that the
vidence proffered in this case permitted the jury to do little
ore than speculate as to Rosario's guilt.

n summary, I believe that the evidence adduced by the
overnment at trial falls far below the horizon of certainty
ve require in criminal prosecutions and is not sufficient to
convict Rosario beyond a reasonable doubt. Handwriting
analysis is at best an inexact science, and at worst mere
speculation itself. See, e.g., D. Michael Risinger et al.,
Exorcism of Ignorance as a Proxy for Rational Knowledge:
The Lessons of Handwriting Identification "Expertise", 137
U. Pa. L. Rev. 731, 739 (1989) (reporting that "[f]rom the
perspective of published empirical verification, handwriting
identification expertise is almost nonexistent"). As such, I
do not believe that wholly ambiguous testimony from a
handwriting "expert" and selected testimony from a witness
receiving favorable treatment from the government can
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satisfy the government's burden of proof. Accordingly, I
would reverse Rosario's conviction.

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Clerk of the United States Court of Appeals

for the Third Circuit

17

Brady and Other Ethical Issues Facing Forensic Scientists

Much evidence acquired by prosecutors may be material to the defense. The 1963 *Brady v. Maryland* decision requires them to turn over potentially exculpatory information to the defense. *Brady* is sometimes seen as asking the prosecutor to aid the accused. It has produced more Freedom of Information Act discoveries by defense and more attempts to find out about misleading evidence. One presenter noted that defense counsel needs adequate breadth of discovery to obtain scientific evidence. On the other hand, *Brady* has in some cases led to large additional areas of discovery for information that is only circumstantial.

Can DNA Be the Magic Bullet? What DNA Can (and Cannot) Do

Issues in the use of DNA evidence continue to emerge. Among them are whether there is a right to postconviction relief based on DNA, the scientific limitations of DNA testing, and the inability of many crime laboratories to work every case that involves DNA evidence. Analytical problems persist even though information expands. Computer-assisted data interpretation can help reduce laboratory backlogs. One presenter noted that the common assumption that DNA evidence wins the case could be dangerous. Defense attorneys sometimes do not ask for independent DNA testing because problems like contamination can arise. Although the *Daubert* decision required assessing evidence for its admissibility, courts still have not decided how to treat mixed-DNA evidence.

Keynote Address on DNA and Genetics: A Challenge for Lawyers and Judges in the New Millennium

In science, there is a distinction between "error" and "mistake"; in the law, there is no such distinction. When a mistake occurs in a scientific experiment, the experiment can be conducted again. Errors in experiments need only be documented. In the law, an error is the same as a mistake because it may overturn a decision. Exoneration via DNA has become fairly frequent, but DNA databases remain controversial. As genetics research continues to shed light on these issues, it is likely to have more influence on the law. The discovery of genetically caused diseases may raise issues of privacy and classification of people by their DNA. Medical information is already being used to make some hiring, firing, and promotion decisions.

Reports on Science and the Law

Daubert is not the only evidentiary standard, and the sky may not be falling as a result of it. Peer review is a standard, although one on which not too much emphasis should be placed in the legal context. Changes in technical fields affect testimony, including police officers' testimony and clinical medical testimony. The *Kumho Tire* decision illuminated the issue of rigor in a variety of technical fields, causing, for example, handwriting evidence and fingerprints to be increasingly challenged. Typically, police are not asked to explain the basis of their experience when they testify, but scientific experts are asked to do so. Certain issues have created essentially a scientific revolution in the courts. The current confusion over litigation-sponsored science is likely to promote more research that will resolve issues now in conflict.

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The CSI Effect

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Other forensic tests are even more open to interpretation. Everything from fingerprint identification to fiber analysis is now coming under fire. And rightly so. The science is inexact, the experts are of no uniform opinion, and defense lawyers are increasingly skeptical. Fingerprint examiners, for instance, still peer through magnifying glasses to read faint ridges.

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Many of these techniques and theories have never been empirically tested to ensure they are valid. During much of the past decade, coroners have certified the deaths of children who might have fallen down steps or been accidentally dropped as "shaken baby" homicides because of the presence of retinal hemorrhages--blood spots--in their eyes. Juries bought it. Noting that new research casts grave doubt on the theory, Joseph Davis, the retired director of Florida's Miami-Dade County Medical Examiner's Office and one of the nation's leading forensics experts, compares proponents of shaken-baby syndrome to "flat Earthers" and says its use as a prosecution tool conjures up "shades of Salem witchcraft" trials.

The list goes on. Ear prints, left behind when a suspect presses his ear to a window, have been allowed as evidence in court, despite the

fact that there have been no studies to verify that all ears are different or to certify the way ear prints are taken. The fingerprint match, once considered unimpeachable evidence, is only now being closely scrutinized. The National Institute of Justice offered grants to kick-start the process this year. Other "experts" have pushed lip-print analysis, bite-mark analysis, and handwriting analysis with degrees of certainty that just don't exist, critics say.

Microscopic hair analysis was a staple of prosecutions until just a few years ago and was accorded an unhealthy degree of certitude. "Hair comparisons have been discredited almost uniformly in court," says Peterson of the University of Illinois-Chicago. "There are many instances where science has not come up to the legal needs," adds James Starrs, professor of forensic sciences and law at George Washington University. Everyone, including the jury, wants certainty. But it seldom exists in forensics. So the expert, says Starrs, "always needs to leave the possibility of error."

MORE ONLINE

Details on forensics, the law, and how they intersect are available in a free database at the National Clearinghouse for Science, Technology, and the Law, a program of the National Institute of Justice, at ncstl.org/

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generally Pl.'s Sr. In Opp. To Defs.' Summ. J. Mot. [88] at 6, 21; PSDMF 44-75.) Further I whereas Detective Smit's summary testimony concerning the investigation is based on evidence, Detective Thomas' theories appear to lack substantial evidentiary support. (Id.) Indeed, while Detective Smit is an experienced and respected homicide detective, Detective Thomas had no investigative experience concerning homicide cases prior to this case. (Smit. Dep. at 69.) In short, the plaintiff's evidence that the defendants killed their daughter and covered up their crime is based on little more than the fact that defendants were present in the house during the murder.

As the arguments in his brief opposing defendants' summary judgment motion are largely restatements of the arguments he makes in support of his efforts to have the testimony of his forensic' document examiners admitted, plaintiff implicitly acknowledges the dearth of physical evidence supporting his argument. (See id. at 3, 5-6, 9-10, 13-19.) In short, the only hard evidence, as

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possible association with the case and received summaries of the Boulder authorities' handwriting evidence, which concluded that Mrs. Ramsey probably did not write the Ransom Note. (J. Ramsey Dep. at 12, 62 & 73-74.) He also asserts that he had no reason to doubt any of this information. (Id. at 73-74.) As a matter of law, he is entitled to rely on this information. See *New York Times Co v. Conner*, 365 F.2d 567, 576 (5th Cir. 1966) (defendant entitled to rely on single source even if source one-sided). See also *McFarlane v. Sheridan Square Press, Inc.*, 91 F.3d 1501, 1510 (D.C. Cir. 1996) (stating there is no independent duty to corroborate information, if no reason to doubt truthfulness.)

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opposed to theories, that plaintiff proffers to support his accusation that Mrs. Ramsey murdered her child is evidence indicating that she wrote the Ransom Note. The Court agrees with plaintiff that, if plaintiff adduced clear and convincing evidence from which a reasonable jury could infer that Mrs. Ramsey wrote the Ransom Note, this evidence would then be sufficient to create a jury issue as to whether Mrs. Ramsey killed her child. In other words, if Mrs. Ramsey wrote the Ransom Note, this Court could conclude, as could a reasonable jury, that she was involved in the murder of her child.

The question then is whether plaintiff has proffered such clear and convincing evidence. This Court has earlier ruled that plaintiffs' expert, Mr. Epstein, is qualified to compare Mrs. Ramsey's handwriting with that contained in the Ransom Note for the purposes of pointing out similarities in the two. The Court, however, has concluded that Epstein cannot properly testify that he is certain that Mrs. Ramsey was the author of the Note. For purposes of assessing whether plaintiff has met its burden of proof, however, the Court will analyze the evidence, assuming that Epstein could testify as to his proffered conclusion, as well as assuming that he could testify only as to similarities between both the Ransom Note and Mrs. Ramsey's known handwriting samples.

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5 . Analysis of the Two Theories

a. Consideration of Epstein'. Testimony That There Were Similarities Between Mrs. Ramsey'. Handwriting and the Ransom Note

As discussed supra, much of the physical evidence is consistent with an inference that an intruder came into

at Ramsey's home and murdered their child. Specifically, there was a broken window in the basement and a window well for that window showed signs that someone may have entered the house through it. Indeed, some of the foliage and debris from that window well was found in the room where JonBenet's body was found. Further, the evidence of stun gun injuries to JonBenet suggests that she was taken by someone who wanted to keep her quiet as he removed her from her bedroom; a parent would not need a stun gun to remove a child from her bedroom. Conversely, the use of a stun gun by the killer is totally at odds with plaintiff's theory that the violence against JonBenet began by Mrs. Ramsey accidentally hit her daughter's head on the bathtub or bathroom floor. In addition, the presence of a bag containing a rope in a guest bedroom near JonBenet's body arguably supports a notion that some premeditation and preparation attended the crime.

Other physical evidence is consistent with a theory that an intruder was in the home. There was a recently made shoeprint, in a moldy area in the basement, that matched no shoes owned by the Ramseys. There was also a palmprint on the door to the small room

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where JonBenet's body was found that did not match the Ramseys' prints. DNA evidence was further consistent with the possibility of an intruder, as JonBenet had the DNA of an unknown male under some of her fingernails and on her underpants. The evidence also indicated that JonBenet had been sexually assaulted and her vagina contained wood fibers from the paint brush used to fashion the garotte.

The method by which JonBenet was killed also suggests it more likely that she was killed by an intruder than by her mother. JonBenet was strangled through the use of a garotte and bondage device that was sophisticated and employed the use of a series of tightly and neatly made knots that would appear to have taken some time to make. There is no evidence that the defendants had the skill to create such a device. Moreover, it is plaintiff's theory that, after thinking she had accidentally killed her daughter, Mrs. Ramsey worked quickly, before the household awoke, to set up a staged kidnapping scenario. The creation of this bondage device would appear to have required more time and calm than one would think Mrs. Ramsey could have mustered under the circumstances.

Plaintiff has the burden of proving by clear and convincing evidence that the Ramseys murdered their child; they have no burden to prove that they did not commit the crime. The above recited evidence falls well short of the requisite proof that the

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defendants killed their child. Plaintiff argues, however, that the Ransom Note provides this necessary proof.

At first blush, and even without an appraisal of the handwriting, the Ransom Note seems to support plaintiff's argument that the kidnapping was a hoax set up by someone in the house. It is an extremely long and detailed note of over three pages. Moreover, an examination of the notepad on which the note was written indicates that the writer had attempted some earlier drafts of the note. In addition, the writer had apparently not even brought his own materials, but instead had used a note pad and felt marker from the Ramsey's home. These facts suggest that the killer had not come prepared with a ransom note already written, as one would expect a diligent kidnapper to do. Further, one does not assume that an intruder, intent on beating a hasty retreat, would take the time to practice writing a note or to write a long, detailed note. These assumptions then might suggest that someone in the house contrived the note.

Defendants have argued, however, that it is just as plausible that the killer had been hiding away in the home for many hours, waiting for the household to go to sleep, before he sprung into action. That waiting time would have allowed him the leisure to write a note. Further, the length of time that it took to practice and write the note could also conceivably undermine a notion that Mrs. Ramsey wrote it. Under plaintiff's scenario,

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Mrs. Ramsey was working quickly to create a staged crime scene before her husband and son awoke. Given those time constraints, and presumably a desire to provide as little handwriting as possible for purposes of future analysis, she arguably would not have written such a long note. Accordingly, the existence of this peculiar, long Ransom Note does not necessarily favor, as the killer, either an intruder or Mrs. Ramsey.

Thus, the only conceivable piece of evidence by which plaintiff can hope to carry his burden of proof is evidence that indicates that Mrs. Ramsey actually wrote the note. Factoring into the analysis the testimony of Mr. Epstein that there are similarities between Mrs. Ramsey's handwriting and the Ransom Note does not, however, enable plaintiff to meet that burden. The fact that there may be similarities between the two hardly constitutes persuasive evidence that Mrs. Ramsey actually wrote the Note. Without that proof, plaintiff cannot show that Mrs. Ramsey was the killer.

b. Consideration of Epstein'. Testimony That He Was Absolutely Certain that Mrs. Ramaey Wrote the Ransom Note

The Court has earlier indicated its conclusion that there is insufficient reliability to Mr. Epstein's methodology to permit him to state his conclusion that Mrs. Ramsey wrote the Ransom Note. As noted supra, Epstein opined that he is "100 percent certain" that Patsy Ramsey wrote the Ransom Note and that "there

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is absolutely no doubt" that she is the author. Supra at 51. The Court believes its conclusion on the admissibility of this evidence to be correct. Further, as the identify of the writer is virtually the only evidence that plaintiff can offer to shoulder its burden, then the question of the identity of the writer is synonymous with the underlying question in this litigation: did Mrs. Ramsey kill her child. Nevertheless, even if the Court were to permit Epstein to testify as to the above conclusion, the Court does not believe his testimony would provide the "clear and convincing evidence" necessary for a reasonable finder of fact to conclude that Mrs. Ramsey wrote the note.

As stated before, "clear and convincing" evidence requires "a clear conviction, without hesitancy of the truth." *Cruzan v. Director, Missouri Department of Health*, 497 U.S. 261, 2BS n. 11 (1990). The parties have agreed that handwriting analysis is, at best, an inexact and subjective tool used to provide probative, but not clear and convincing evidence, of a questioned document's author. (SMF 212; PSMF 212.) Nonetheless, the Court will assume that there could be cases where the handwriting in question is either so obviously not the handwriting of a particular individual or so close a match to that person's penmanship, that a finder of fact could comfortably rely on the handwriting, alone, to reach a particular conclusion. Indeed, well before the days of forensic handwriting experts, courts have allowed lay witnesses to

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testify that they recognized the handwriting of particular documents as the handwriting of someone with whose penmanship they were familiar. Further, appropriate testimony of forensic experts can greatly assist the jury in its undertaking.

That said, while there may be cases in which handwriting examination, alone, can be dispositive, this case is not one of that group. Here, as noted, several factors necessarily reduce the weight a reasonable juror could give to Epstein's conclusion. First, Epstein did not consult the original Ransom Note nor obtain original exemplars from Mrs. Ramsey. Second, as noted by defendants, Epstein deviated from the very methodology that he has previously asserted was necessary to make a reasoned judgment. Most significant to the Court in its determination that Epstein's conclusion cannot carry the day for plaintiff, however, is the unanimity of opinion among six other experts that Mrs. Ramsey cannot be determined to have been the writer of the Note. As noted supra, the Boulder Police Department and District Attorney's Office had consulted six other handwriting experts, all of whom reviewed the original Ransom Note and exemplars. Supra at 21-22. Although two of these experts were hired by defendants, four were independent experts hired by the police. None of these six experts were able to identify Mrs. Ramsey as the author of the Ransom Note. Instead, their consensus was that she "probably did not" write the Ransom Note. Supra at n. 14.

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Given the contrary opinion of six other experts, whose ability to examine the documents was necessarily superior to Epstein's, and given Epstein's failure to explain the methodology by which he can make absolute pronouncements concerning the authorship of a document, this Court does not believe that a reasonable jury could conclude that Mrs. Ramsey was the author of the Ransom Note, solely on the basis of Epstein's professed opinion to that effect. In reaching this conclusion, the Court is aware that it is not permitted to make credibility judgments in ruling on summary judgment motions. For example, were there six eyewitnesses on one side of a question and one eyewitness on the other side, the Court would not take from a jury the factual question on which these witnesses were testifying. With regard to Epstein's testimony, however, the Court is not attempting to assess credibility. Mr. Epstein may sincerely believe that Mrs. Ramsey wrote the Note and the jury may well credit his sincerity. Nevertheless, no matter how earnest Epstein may be, the fact remains that he has not explained his basis for reaching absolute certainty in his conclusion and, accordingly, the weight and impact of his testimony would necessarily be less than the weight of the contrary testimony of six other experts.³⁹

=====

³⁹ The Court's judgment on this matter is the same whether these other six experts were as vague concerning their methodology as was Epstein or whether they, ip fact, gave solid explanations for their reasoning.

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In sum, plaintiff has failed to prove that Mrs. Ramsey wrote the Ransom Note and has thereby necessarily failed to prove that she murdered her daughter.) Moreover, the "weight of the evidence is more consistent with a theory that an intruder murdered JonBenet than it is with a theory that Mrs. Ramsey did so. For that reason, plaintiff has failed to establish that when defendants wrote the Book, they "in fact entertained serious doubts as to the truth of the publication." *St. Amant v. Thompson*, 390 U.S. 727, 731 (1968); *Hemenway v. Blanchard*,

163 Ga. App. 668, 671-72, 294 S.E.2d 603, 606 (1982). Accordingly, the Court GRANTS defendants' motion for summary judgment as to plaintiff's libel claim.

III. Slander

In addition to his claims for libel, plaintiff asserts that several statements made by defendants to the press fit within one of the categories of slander per se recognized by Georgia law: imputing to another a crime punishable by law. O.C.G.A. §51-5-4 (a). In particular, plaintiff refers to defendants' March 24, 2000 appearance on the Today Show with host Katie Couric. During the course of the broadcast, the following conversation occurred:

Katie Couric: You pepper the book with fleeting references to some other people that you seem to question. You talk about Bill McReynolds, who played Santa at your Christmas party. You also mention his wife who, in a strange twist, wrote a

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play years before about a girl murdered in a basement.

John Ramsey: The point in the book was to clarify from our viewpoint why these people have been mentioned a lot in the media, and also to point out that there are legitimate leads that need to be followed.

....

Katie Couric: You also mention Chris Wolfe, a total stranger whose girlfriend reported that he disappeared on Christmas night and was very agitated, rather--when he watched the news of the murder on TV.

John Ramsey: Uh-huh (affirmative).

Katie Couric: Why do you mention him.

John Ramsey: Because he'd been widely mentioned in the news. And we wanted to clarify the facts that we knew.

John Ramsey: I can tell you when--when we first started looking at--at one particular lead early on--My reaction was, -This is it. This is the killer." And our investigator said, -"Whoa, whoa, whoa." He'd say, "Don't do a Boulder Police on me. Don't rush to conclusions."

(Transcript of Today Show, March 24, 2000.) (emphasis added) The parties agree that, as Mr. Ramsey made the last statement, NBC displayed a picture of Chris Wolf on the screen.

As with the libelous statements discussed above, while not textbook, these statements are arguably slanderous. With the

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slander claim, however, the factual predicate for plaintiff's malice argument is weaker than with the libel claim. Specifically, although the emphasized quote suggests Mr. Ramsey's belief that an unnamed suspect might be

the killer--which was a malicious statement, if Mr. Ramsey knew that his wife was the killer--plaintiff has not demonstrated that defendant John Ramsey intended to refer to plaintiff when he made that statement. Moreover, even though the photograph of plaintiff appeared on the screen when defendant made the statement, it is undisputed that defendant had no control over NBC's editing decisions.

Nevertheless, even had defendant intended to refer to plaintiff, the statements are still not malicious, for the reasons discussed supra, with regard to the libel claim. Accordingly, the Court GRANTS defendants' motion for summary judgment as to, plaintiff's slander claim.

CONCLUSION

For the foregoing reasons, the Court GRANTS defendants' motion for summary judgment [67]; GRANTS as to Ms. Wong and GRANTS in part and DENIES in part as to Mr. Epstein defendants' motion in limine to exclude the testimony of Cina Wong and Gideon Epstein [68]; and DENIES defendants' motion for oral argument [79].

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SO ORDERED, this 31 day of March, 2003.

Julie E. Carnes
United States District Judge

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